



State Level Environment Impact Assessment Authority, Jharkhand

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Letter No.-EC/SEIAA/2018-19/2172/2018

Ranchi, Date:

To: **Sri Aboobacker Siddique**
Chairman Cum Managing Director
M/s JSMDC Ltd.
Khanij Nigam Bhawan,
Doranda, Ranchi
Jharkhand – 834002.

Sub: Prescribing of ToR to “Jyoti Pahari Open Cast Kynaite Project of M/s JSMDC Ltd at Plot No. 86, 101, 110, 117-147, 172, 174, 176-187, 151, 218, 219 at Vill : Jyoti Pahari, Tehsil : Ghatsila, Dist. : East Singhbhum, Jharkhand (20.331 Ha)” (Proposal No. SIA/JH/MIN/25091/2019) - regarding.

Ref: Your application no.- nil dated – 16.09.2019.

Sir,

It is in reference to the project to “Jyoti Pahari Open Cast Kynaite Project of M/s JSMDC Ltd at Plot No. 86, 101, 110, 117-147, 172, 174, 176-187, 151, 218, 219 at Vill : Jyoti Pahari, Tehsil : Ghatsila, Dist. : East Singhbhum, Jharkhand (20.331 Ha)” along with the application in the prescribed format (Form-1) and a copy of the pre-feasibility report and approved mine plan to prescribe the ToRs for undertaking detailed EIA study for the purpose of obtaining environmental clearance under the provisions of the EIA Notification, 2006 as amended vide SO No. 804(E) dated 14.03.2017 in respect of the above mentioned project.

JSMDC Ltd., a Govt. of Jharkhand enterprises operates a number of mining projects in the state. Jyoti Pahari Kyanite mine is one of such mines which is being operated by JSMDC Ltd. producing Kyanite suitable for refractory Industries. Prior to creation of Jharkhand State, the mine was owned by Bihar State Mineral Development Corporation Ltd. Original lease was in favor of BSMDC Ltd, expired in 2004. Lease was granted for period of 20 years which became effective from the date of registration of lease, 19.08.1984. Application for renewal of lease for further period of 20 years has been filed in the office of DMO on 14.08.2003, vide their receipt no. 678 dated 14.08.2003, mining started on 10.10.1985, the mining operation was stopped in 2009.

This is category B project & SEIAA, Jharkhand issued ToR for Jyoti-Pahari Kyanite Mine on 01.05.2015. JSMDC submitted draft EIA / EMP to JSPCB. JSPCB conducted Public Hearing & final EIA /EMP incorporating minutes of Public Hearing was submitted to SEIAA. Public Hearing was conducted on 03.12.2016.

However, in the meantime MoEF & CC issued a notification in respect of dealing with violation cases. Due to increase in production from 38342 T in 1991-92 to 54472.98 T in 2008-09, the present project come under violation case.

M/s Jharkhand State Mining Development Corp., a Govt. of Jharkhand undertaking is the proponent of Jyoti Pahari Kyanite Mine. Lease area is 20.331 Ha. The mine is located between Plot no. 1 (P),

69, 70, 148, 175, 179, 187, 191, 196, 220, 222, 163, 155, 115, 87, 89, 76, 79, 75 & 74, Latitude 21° 21' 30" N and Longitude 86° 39' 30" E in East Singhbhum District.

The proposed capacity is 10962 TPA. The project will produce a maximum of 4419 tonnes per annum of Kyanite by opencast method of mining. Average production rate will be 2698 T/Year.

The PP has applied for violation ToR for the said project. Plot nos. of project site as mentioned in online Form-I submitted by PP, DFO, Jamshedpur Division certificate (letter no. 2767, dated 27.08.2019), DFO, Dalma Elephant Project (letter no. 912, dated 04.09.19) and CO, Bahragora (letter no. 537, dated 24.09.19) do not tally. The PP subsequently submitted revised Form-I on 26.09.19. Wherein, no plot nos. of the project site has been mentioned. This creates ambiguity that has to be clarified & rectified.

The DFO, Dalma Elephant Project vide memo no. 912, dated 04.09.19 certified that the National Park, Bio-Diversity, Sanctuary & ESZ is not within 10 km from proposed project site.

The CO, Bahragoda vide letter no. 537, dated 24.09.19 has mentioned the plot no. of the project is not recorded as "Jangle Jhari" in R.S Khatiyani & Register II.

Chairman, SEAC opines that –

SEAC takes serious note of non submission of documents in time. SEAC observation and evaluation of this violation case requires a pre requisition of hard copy of the proposal and related maps. But what to talk about receipt of hard copies, even the soft copies were being poured in individual facilities even till departure of the members.

SEAC, decided to consider this proposal even under this situation considering interest of the state with following directives.

PP/ Consultant needs to assess and submit documents pertaining to fulfilment of following:

- a. Prepare Ecological damage assessment and value the damage made.
- b. Prepare a Natural Resource and community Augmentation Plan.
- c. Economic benefits derived before Grant of EC.
- d. Present time bound implementation of Natural Resource and community Augmentation Action Plan.

Based on the information contained in the documents submitted and the presentation made before the State Level Expert Appraisal Committee (SEAC) during its meetings held during 04th, 05th, 06th and 07th November, 2019 the Committee recommends in the light of Hon'ble NGT, Principal Bench, New Delhi order dated 13.09.18 and MoEF & CC O.M dated 12.12.18 for issuing of violation TOR for consideration of SEIAA for undertaking detailed EIA / EMP.

SEAC, Jharkhand has suggested the violation ToRs in its 82nd meeting dated 04th, 05th, 06th and 07th November, 2019 and SEIAA, Jharkhand has approved the ToRs in its meeting held on 08th November, 2019.

The TORs prescribed for undertaking detailed EIA study are as follows:

1. This TOR letter is subject to Hon'ble NGT order dated 13.09.2018 and MoEF & CC O.M. dated : 12.12.2018.
 - a. Providing for EIA, EMP and therefore public consultation for all areas from 5 to 25 Ha falling under category B-2 at par with category B-1 by SEIAA/SEAC as well as for cluster situation wherever it is not provided:

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- b. Form-1M be made More comprehensive for areas of 0 to 5 Ha by dispensing with the requirement for public consultation to be evaluated by SEAC for recommendation of grant of EC by SEIAA instead of DEIAA/DEAC;
- c. If a cluster or an individual lease size exceeds 5 ha the EIA/EMP be made applicable in the process of grant of prior Environmental Clearance.
- d. EIA and /or EMP be prepared for the entire cluster in terms of recommendations 5 (supra) of the guidelines for the purpose of recommendations 6, 7 and 8 thereof;
- e. Revise the procedure to also incorporate procedure with respect to annual rate of replenishment and time frame for replenishment after mining closure in an area;
- f. The MoEF & CC to prepare guidelines for calculation of the cost of restitution of damage caused to mined- out areas along with the Net present value of Ecological services forgone because of illegal or unscientific mining.

A. Standard Conditions:

1. Examine baseline environmental quality along with projected incremental load due to the project.
2. Environmental data to be considered in relation to the project development would be (a) land, (b) groundwater, (c) surface water, (d) air, (e) bio-diversity, (f) noise and vibrations, (g) socio economic and health.
3. Submit a copy of the contour plan with slopes, drainage pattern of the site and surrounding area. Any obstruction of the same by the project.
4. Submit the details of the trees to be felled for the project.
5. Submit the present land use and permission required for any conversion such as forest, agriculture etc.
6. Submit Roles and responsibility of the developer etc for compliance of environmental regulations under the provisions of E (P) Act.
7. Ground water classification as per the Central Ground Water Authority.
8. Examine the details of Source of water, water requirement, use of treated waste water and prepare a water balance chart.
9. Rain water harvesting proposals should be made with due safeguards for ground water quality. Maximize recycling of water and utilization of rain water. Examine details.
10. Examine soil characteristics and depth of ground water table for rainwater harvesting.
11. Examine details of solid waste generation treatment and its disposal.
12. Examine and submit details of use of solar energy and alternative source of energy to reduce the fossil energy consumption. Energy conservation and energy efficiency.
13. DG sets are likely to be used during construction and operational phase of the project. Emissions from DG sets must be taken into consideration while estimating the impacts on air environment. Examine and submit details.
14. Examine road/rail connectivity to the project site and impact on the traffic due to the proposed project. Present and future traffic and transport facilities for the region should be analysed with measures for preventing traffic congestion and providing faster trouble free system to reach different destinations in the city.
15. A detailed traffic and transportation study should be made for existing and projected gatherings in different time & period.

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16. Examine the details of transport of materials for construction which should include source and availability.
17. Examine separately the details for construction and operation phases both for Environmental Management Plan and Environmental Monitoring Plan with cost and parameters.
18. Submit details of a comprehensive Disaster Management Plan including emergency evacuation during natural and man-made disaster.
19. Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
20. The cost of the Project (capital cost and recurring cost) the damage cost of already opened land as well as the cost towards implementation of EMP should be clearly spelt out.
21. Any further clarification on carrying out the above studies including anticipated impacts due to the project and mitigative measure, project proponent can refer to the model ToR available on Ministry website <http://moef.nic.in/Manual/Townships>.

B. Specific Conditions:

1. As per para 13(3) of SO – 804(E) dated 14.03.2017 of Ministry of Environment, Forest and Climate Change, Govt. of India, the State Govt. / SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986.
2. Examine the nala / river flowing on northern side of both the sites and management plan to maintain the flow of ecology of the system.
3. The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the SEAC and finalized by the regulatory authority.
4. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the SEAC and approval of the regulatory authority.
5. Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment.
6. Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.
7. The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants.
8. Funds allocation for Corporate Environment Responsibility (CER) shall be made as per Ministry's O.M. No. 22-65/ 2017-IA.III dated May, 2018 for various activities therein. The details of fund allocation and activities for CER shall be incorporated in EIA/EMP report.
9. The prescribed TORs would be valid for a period of three years for submission of the EIA / EMP reports, as per the O.M. No. J-11015/109/2013-IA.II(M) , dated 12.01.2017.

Sd/-

Member Secretary
State Level Environment Impact
Assessment Authority, Jharkhand.

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Memo No.-EC/SEIAA/2018-19/2172/2018 689

Dated: 08/11/2019

Copy to:

1. Additional Chief Secretary, Department of Forests, Environment & Climate Change, Govt. of Jharkhand for information and necessary action.
2. Member Secretary, Jharkhand State Pollution Control Board, Ranchi for information and necessary action.
3. Member Secretary, SEAC, Jharkhand, Ranchi for information and necessary action.


Member Secretary
State Level Environment Impact
Assessment Authority, Jharkhand.




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Letter No.-EC/SEIAA/2018-19/2172/2018

Ranchi, Date:

To: **Sri Aboobacker Siddique**
Chairman Cum Managing Director
M/S J.S.M.D.C. Ltd.
At : Khanij Nigam Bhawan,
P.O.: Doranda, Ranchi,
Jharkhand – 834002.

Amendment

Sub: Amendment of ToR for the project “Jyoti Pahari Open Cast Kynait Project of M/s JSMDCLtd at Plot no. 1 (P), 69, 70, 148, 175, 179, 187, 191, 196, 220, 222, 163, 155, 115, 87, 89, 76, 79, 75 & 74 at Vill : Jyoti Pahari, Tehsil : Ghatsila, Dist. : Singhbhum East (20.331 Ha)”, Jharkhand (Proposal No. SIA/JH/MIN/25091/2018) - regarding.

Ref: ToR letter no. EC/SEIAA/2018-19/2172/2018/689 dated – 08.11.2019 issued by SEIAA, Jharkhand.

Sir,

In continuation to letter no EC/SEIAA/2018-19/2172/2018/689, dated – 08.11.2019 of SEIAA, Jharkhand , the following additional conditions in ToR is being incorporated under the provisions of S.O. 804(E) dated 14.03.2017 and subsequent Amendment as per MoEF & CC OM No. F. No. 3-50/2017-IA.III(Pt.) dated 30th May, 2018:-

- i. The project proponent shall give an undertaking by way of affidavit to comply with all the statutory requirements and judgment of Hon'ble Supreme Court dated the 2nd August, 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors. before grant of ToR/EC. The undertaking *inter-alia* include commitment of the PP not to repeat any such violation in future.
- ii. In case of violation of above undertaking, the ToR/Environment Clearance shall be liable to be terminated forthwith.
- iii. The Environment Clearance will not be operational till such time the Project Proponent complies with all the statutory requirements and judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors.
- iv. State Government concerned shall ensure that mining operation shall not commence till the entire compensation levied, if any, for illegal mining paid by the Project Proponent through their respective Department of Mining & Geology in strict compliance of judgement of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors.

2. All other terms and conditions mentioned in letter no. EC/SEIAA/2018-19/2172/2018/689 dated – 08.11.2019 and the standard ToR Conditions as recommended by SEAC

for this project through its 79th meeting held on 26th-27th September, 2019 (Enclosure) shall remain the same.

3. This is for your information and necessary action.

Enclosure- Attached.

Sd/-

Member Secretary
State Level Environment Impact
Assessment Authority, Jharkhand.

Memo No.-EC/SEIAA/2018-19/2172/2018 729

Dated: 06/12/2019

Copy to:

1. Additional Chief Secretary, Department of Forests, Environment & Climate Change, Govt. of Jharkhand for information and necessary action.
2. Member Secretary, Jharkhand State Pollution Control Board, Ranchi for information and necessary action.
3. Member Secretary, SEAC, Jharkhand, Ranchi for information and necessary action.


Member Secretary
State Level Environment Impact
Assessment Authority, Jharkhand.
