

ENVIRONMENTAL CLEARANCE PROCESS FOR CLAY MINING PROJECT

By

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INTRODUCTION

- Today, Environmental Impact assessment (EIA) is an effective and important tool to ensure environmentally sustainable development. It is the process in which environmental factors are integrated into project planning and decision-making so as to achieve ecologically sustainable development. It is a widely used procedure to examine certain human activities that may have a negative impact on the environment.
- EIA is the systematic, reproducible and interdisciplinary evaluation of the potential effects of a proposed action and its practical alternatives on the physical, biological, cultural and socio-economic attributes of a particular geographical area.

HISTORY OF EIA IN INDIA

- The Indian experience with Environmental Impact Assessment began over 39 years back. It started in 1976-77 when the Planning Commission asked the Department of Science and Technology to examine the river-valley projects from an environmental angle. This was subsequently extended to cover those projects, which required the approval of the Public Investment Board. Till 1994, environmental clearance from the Central Government was an administrative decision and lacked legislative support.

On 27 January 1994, the Union Ministry of Environment and Forests (MoEF), Government of India, under the Environmental (Protection) Act 1986, promulgated an EIA notification making Environmental Clearance (EC) mandatory for expansion or modernization of any activity or for setting up new projects listed in Schedule-1 of the Notification.

- Further there were several amendments and further on 14 September 2006 a new EIA Notification was notified and issued to get the Environment clearance for the developmental projects.

Environment Clearance for less than 5 Ha Minor mineral

- In order of the Hon'ble Supreme Court dated 27-02-2012 in IA.no.12-13 of 2011 in SLP (c) No.19628-19629 of 2009 in the matter of Deepak Kumar etc vs State of Haryana and Ors the following directions were given.
 - All The Mining Project of Minor Minerals including there renewal irrespective of size of the lease would ,henceforth require prior environmental clearance.
 - Mining project with lease area upto less than 50 Ha including project of Minor minerals with lease area less than 5 Ha would be treated as category B defined in the EIA Notification 2006.

Guidelines for ‘brick earth’ and ‘ordinary earth’ having lease area less than 5 ha

- MoEF has received a number of representations conveying problems being faced by the brick kiln manufacturers in obtaining EC for ‘brick earth’ mined by them for making bricks and by the developers of road projects in respect of mining of ‘ordinary earth’ used for road construction.
- MoEF vide OM No.F.No.J-11013/12/2013-IA-II(I) dated 30.01.13 has constituted an Expert Committee, under the Chairmanship of Director, NEERI, Nagpur, to categorize Category “B” projects / activities into Category “B1” and “B2” under EIA Notification, 2006 and review classification of projects / activities into “A” and “B” and General conditions as contained in the aforesaid Notification.

Recommendations of the Committee

The activities of borrowing / excavation of 'brick earth' and 'ordinary earth', upto an area less than 5 ha, may be categorized under 'B2' Category subject to the following guidelines in terms of the provisions under '7.I Stage(1)-Screening' of EIA Notification, 2006:

- (i) The activity associated with borrowing/excavation of 'brick earth' and 'ordinary earth' for purpose of brick manufacturing, construction of roads, embankments etc. shall not involve blasting.
- (ii) The borrowing/excavation activity shall be restricted to a maximum depth of 2 m below general ground level at the site.
- (iii) The borrowing/excavation activity shall be restricted to 2 m above the ground water table at the site.
- (iv) The borrowing/excavation activity shall not alter the natural drainage pattern of the area.
- (v) The borrowed/excavated pit shall be restored by the project proponent for useful purpose(s).

- (vi) Appropriate fencing all around the borrowed/excavated pit shall be made to prevent any mishap.
- (vii) Measures shall be taken to prevent dust emission by covering of borrowed/excavated earth during transportation.
- (viii) Safeguards shall be adopted against health risks on account of breeding of vectors in the water bodies created due to borrowing/excavation of earth.
- (ix) Workers / labourers shall be provided with facilities for drinking water and sanitation.
- (x) A berm shall be left from the boundary of adjoining field having a width equal to at least half the depth depth of proposed excavation.
- (xi) A minimum distance of 15 m from any civil structure shall be kept from the periphery of any excavation area.

Ministry Order

- Ministry Issue Office Memorandum on 24th June 2013 for clay mining project .

Process Adopted by SEIAA, Bihar

Apply by Project Proponent to SEIAA through Offline or Online



Primary Scrutiny of Project



Appraisal of the project by SEAC & Recommendation to SEIAA



Grant Of Environmental clearance by SEIAA.

Basics Requirement of clay Mining for Environmental Clearance

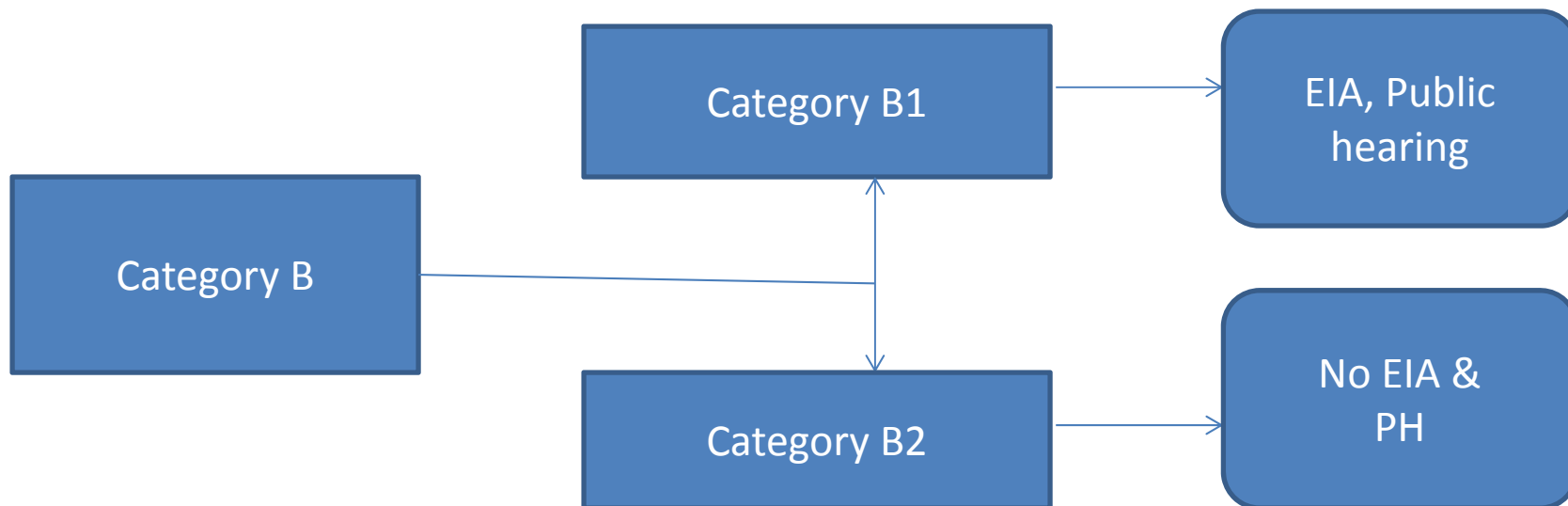
- **Form-1**
- **Pre Feasibility Report**
- **Environment Management Plan**
- **Affidavit (office memorandum of MoEF&CC Dated 24th June 2013)**
- **Location Map**
- **500 m Radius Google Map**
- **Survey Map**
- **Land Documents**
- **Site Photographs**
- **Identity Proof**

Stages in Prior Environmental Clearance Process

• Stage I: Screening

Screening refers scrutiny of category 'B' projects seeking prior environmental clearance made in Form-1 by the concerned State Level Expert Appraisal Committee for determining whether or not the project requires further environmental studies for preparation of EIA for its appraisal depending upon the nature and location specificity of the project.

- Category B projects will be further screened at the state level for categorization into either B1 or B2. Specific guidelines to be evolved by MoEF&CC



Stage II: Scoping

Scoping refers to the process by which SEAC in the case of Category 'B1' projects or activities determine detailed and comprehensive TORs addressing all the relevant environmental concerns for the preparation of EIA report.

Stage III: Public Consultation

Public Consultation refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained.

Stage IV: Appraisal

Appraisal means the detailed scrutiny by the State Level Expert Appraisal Committee of the application and other documents submitted by the applicant & recommendation of Environmental clearance to State Level Environment Impact Assessment Authority.

Environmental Clearance Condition by SEIAA

- The burrowing / excavation of brick earth and ordinary earth for the purpose of brick manufacturing, construction of roads, embankments etc. shall not involve blasting
- The burrowing/excavation activity shall be restricted to a maximum depth of 2 meters below general ground level at the site.
- The burrowing /excavation activity shall be restricted to 2 meters above the ground water table at the site.
- The burrowing/excavation activity shall not alter the natural drainage pattern of the area.
- The burrowing/excavation pit shall be restored by the project proponent for useful purpose.
- Appropriate fencing all around the burrow /excavation pit shall be made to prevent any mishap.
- Measures shall be taken to prevent dust emission by covering of burrowed /excavated earth during transportation.
- Safe guards shall be adopted against health risk on account of breeding of vectors in the water bodies created during burrowing/excavation of earth.
- Workers / labourers shall be provided with facilities for drinking water and sanitation.
- A beam shall be left from the boundary of adjoining field having a width equal to at least half depth of the proposed excavation.
- A minimum distance of 15 meters from any civil structure shall be kept from the periphery of an excavation area.

The concerned SEIAA while considering granting environmental clearance for such activity for brick earth / ordinary earth has followed the prescribed guidelines as stated above and has specified that the clearance so granted shall be liable to be cancelled in case of any violation of above guidelines.

Validity Of Environmental Clearance

EC will be valid for mine lease period subject to a ceiling of 5 years. EC will be valid for mine lease period subject to a ceiling of 5 years.

CHALLENGES

➤ Monitoring

- Inspection before grant of Environmental Clearance
- Monitoring of compliance after grant of Environmental Clearance.

➤ Intensive awareness campaign for Project proponent

➤ Strengthening of SEIAA & SEAC

Thank You