

By Fax/e-mail

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. RDM-MMS-POLICY-0002-2020-
From

3776

/ R&DM Dated

3 FEB 2021

Sri Biranchi Narayan Dash
Deputy Secretary to Government

To

All Collectors

Sub: Exemption from requirement of environmental clearance and Consent Administration for extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc.

Madam/Sir,

In inviting a reference to the subject cited above, I am directed to say that the MoEF & CC, Government of India has exempted environmental clearance for extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines etc. and accordingly, issued amended EIA Notification vide S.O. No. 1224(E) dated 28.03.2020. (Copy Enclosed)

In pursuance to the said Notification, State Pollution Control Board, Odisha has exempted from Consent Administration of the Board under Water (PCP) Act, 1974 and Air (PCP) Act, 1981 for extraction or sourcing or borrowing of ordinary earth for the linear project such as roads, pipelines etc. vide their Resolution No. 363 dated 7.1.2021. Copy of the Resolution of the State Pollution Control Board, Odisha in this regard is enclosed herewith for information and necessary action.

It is therefore requested to take appropriate action in the matter accordingly.

Yours faithfully,


2/2/21

Deputy Secretary to Government

Memo No. 3777 /R&D.M. dated

3 FEB 2021

Copy along with copy of the enclosures forwarded to Secretary, Board of Revenue, Odisha, Cuttack / all Revenue Divisional Commissioners for information and necessary action.


2/2/21

Deputy Secretary to Government

Memo No. 3778 /R&D.M. dated

3 FEB 2021

Copy along with copy of the enclosures forwarded to all Sub-Collectors/ all Tahasildars for information and necessary action.


2/2/21

Deputy Secretary to Government

Memo No. 3779 /R&D.M. dated

3 FEB 2021

Copy along with copy of the enclosures forwarded to Joint Secretary I/c of e-Governance Branch with a request to upload the same in Revenue & DM Department website.


2/2/21

Deputy Secretary to Government

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
NOTIFICATION

New Delhi, the 28th March, 2020

S.O. 1224(E).—WHEREAS, *vide* the Mineral Laws (Amendment) Act, 2020 (2 of 2020), the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) (hereinafter referred to as MMDR Act) has been amended with effect from the 10th day of January, 2020 and, *inter alia*, new section 8B relating to the provisions for transfer of statutory clearances has been inserted:

AND WHEREAS, sub-section (2) of section 8B of the MMDR Act provides that notwithstanding anything contained in this Act or any other law for the time being in force, the successful bidder of mining leases expiring under the provisions of sub-sections (5) and (6) of section 8A and selected through auction as per the procedure provided under this Act and the rules made thereunder, shall be deemed to have acquired all valid rights, approvals, clearances, licences and the like vested with the previous lessee for a period of two years;

AND WHEREAS, sub-section (3) of section 8B of the MMDR Act provides that notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the new lessee to continue mining operations on the land, in which mining operations were being carried out by the previous lessee, for a period of two years from the date of commencement of the new lease;

AND WHEREAS, in pursuance of the aforesaid amendment to the MMDR Act, the Central Government deems it necessary to align the relevant provisions of the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533 (E), dated the 14th September, 2006 (hereinafter referred to as the EIA Notification, 2006);

AND WHEREAS, the Ministry of Environment, Forest and Climate Change is in the receipt of representations for waiver of requirement of prior environmental clearance for borrowing of ordinary earth for roads; and manual extraction of lime shells (dead shell), shrines, etc., within inter tidal zone by the traditional community;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government, after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of the rule 5 of the said rules, in public interest, and in supersession of the notification number S.O. 4307(E), dated the 29th November, 2019, hereby makes the following further amendments in the EIA Notification, 2006, namely:-

In the said notification,-

(i) in paragraph 11, after sub-paragraph (2), the following sub-paragraph shall be inserted, namely:-

“(3) The successful bidder of the mining leases, expiring under the provisions of sub-sections (5) and (6) of section 8A of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and selected through auction as per the procedure provided under that Act and the rules made thereunder, shall be deemed to have acquired valid prior environmental clearance vested with the previous lessee for a period of two years, from the date of commencement of new lease and it shall be lawful for the new lessee to continue mining operations as per the same terms and conditions of environmental clearance granted to the previous lessee on the said lease area for a period of two years from the date of commencement of new lease or till the new lessee obtains a fresh environmental clearance with the terms and conditions mentioned therein, whichever is earlier:

Provided that the successful bidder shall apply and obtain prior environmental clearance from the regulatory authority within a period of two years from the date of grant of new lease.”;

(ii) in the Schedule, against the item 1(a), in the column (5), after clause (2) of the Note, the following clause shall be inserted, namely:-

“(3) The evacuation or removal and transportation of already mined out material lying within the mining leases expiring under the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), by the previous lessee, after the expiry of the said lease, shall not form the part of the mining capacity so permitted to the successful bidder, selected through auction as per the procedure provided under that Act and the rules made thereunder.”;

(iii) for Appendix-IX, the following Appendix shall be substituted, namely:-

"APPENDIX-IX

EXEMPTION OF CERTAIN CASES FROM REQUIREMENT OF ENVIRONMENTAL CLEARANCE

The following cases shall not require Prior Environmental Clearance, namely:-

1. Extraction of ordinary clay or sand by manual mining, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. as per their customs.
2. Extraction of ordinary clay or sand by manual mining, by earthen tile makers who prepare earthen tiles.
3. Removal of sand deposits on agricultural field after flood by farmers.
4. Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village.
5. Community works, like, de-silting of village ponds or tanks, construction of village roads, ponds or bunds undertaken in Mahatma Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes and community efforts.
6. Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc.
7. Dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management.
8. Traditional occupational work of sand by Vanjara and Oads in Gujarat vide notification number GU/90(16)/MCR-2189(68)/5-CHH, dated the 14th February, 1990 of the Government of Gujarat.
9. Manual extraction of lime shells (dead shell), shrines, etc., within inter tidal zone by the traditional community.
10. Digging of wells for irrigation or drinking water purpose.
11. Digging of foundation for buildings, not requiring prior environmental clearance, as the case may be.
12. Excavation of ordinary earth or clay for plugging of any breach caused in canal, nallah, drain, water body, etc., to deal with any disaster or flood like situation upon orders of the District Collector or District Magistrate or any other Competent Authority.
13. Activities declared by the State Government under legislations or rules as non-mining activity."

[F. No. Z-11013/47/2018-IA.II (M)]

GEETA MENON, Jt. Secy.

Note: The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 1533 (E), dated the 14th September, 2006 and subsequently amended vide the following numbers:-

1. S.O. 1949 (E), dated the 13th November, 2006;
2. S.O. 1737 (E), dated the 11th October, 2007;
3. S.O. 3067 (E), dated the 1st December, 2009;
4. S.O. 695 (E), dated the 4th April, 2011;
5. S.O. 156 (E), dated the 25th January, 2012;
6. S.O. 2896 (E), dated the 13th December, 2012;
7. S.O. 674 (E), dated the 13th March, 2013;
8. S.O. 2204 (E), dated the 19th July, 2013;
9. S.O. 2555 (E), dated the 21st August, 2013;
10. S.O. 2559 (E), dated the 22nd August, 2013;
11. S.O. 2731 (E), dated the 9th September, 2013;
12. S.O. 562 (E), dated the 26th February, 2014;
13. S.O. 637 (E), dated the 28th February, 2014;

STATE POLLUTION CONTROL BOARD, ODISHA

(Department of Forest & Environment, Govt. of Odisha)
Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII
Bhubaneswar - 751012

No 363 /IND-II-NOC- Misc.-170 Date 07.01.2021

RESOLUTION

POLICY DECISION FOR APPLICABILITY OF CONSENT OF THE BOARD FOR EXTRACTION OR SOURCING OR BORROWING OF ORDINARY EARTH FOR THE LINEAR PROJECTS SUCH AS ROADS, PIPELINES ETC.

1. The Board in its 113th meeting held on 11.3.2016 decided to include all the minor mineral mines irrespective of areas under consent administration of the Board under Water (PCP) Act, 1974 and Air (PCP) Act, 1981 as per order of the Hon'ble NGT, EZB, Kolkata, dated 1.2.2016. Accordingly, a resolution was brought out vide No. 5803, dated 30.3.2016
2. All the minor mineral mines irrespective of areas was brought under consent administration of the Board as per the order of the Hon'ble NGT, EZB, Kolkata dated 1.2.2016 as these were required environmental clearance as per EIA Notification, 2006 and amendment thereafter.
3. The MoEF&CC, Govt. of India has exempted environmental clearance for extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines etc. and accordingly, issued amended EIA notification vide S.O. 1224(E) dated 28.3.2020.
4. The matter was discussed in 121st meeting of the Board held on 15.10.2020 and the Board decided for exemption of consent of the Board for extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines etc. in light of amended EIA notification vide S.O. 1224(E) dated 28.3.2020.

In pursuance of the decision taken in 121st Board meeting held on 15.10.2020 and in partial modification to the resolution No. 5803, dated 30.3.2016, extraction or sourcing or borrowing of ordinary earth for the linear project such as roads, pipeline etc. are exempted from Consent Administration of the Board under Water (PCP) Act, 1974 and Air (PCP) Act, 1981.

This resolution will come into force with immediate effect.

By order of the Board.


06/01/21

Member Secretary

P.T.O...


Memo No. 364 /date 07.01.2021

Copy forwarded to the Additional Chief Secretary to Govt., Forest & Environment Department, Govt. of Odisha, Bhubaneswar for kind information and necessary action.


Member Secretary

Memo No. 365 /date 07.01.2021

Copy forwarded to the Principal Secretary to Govt., Steel & Mines Department, Govt. of Odisha, Bhubaneswar for kind information and necessary action.


Member Secretary

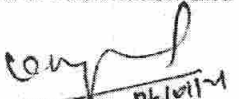
Memo No. 366 /date 07.01.2021

✓ Copy forwarded to the Principal Secretary, Revenue and Disaster Management Department, Govt. of Odisha, Bhubaneswar for kind information and necessary action.


Member Secretary

Memo No. 367 /date 07.01.2021

Copy forwarded to the Director (Env.)-cum-Special Secretary to Govt., Forest & Environment Department, Govt. of Odisha, Bhubaneswar for kind information and necessary action.


Member Secretary

Memo No. 368 /date 07.01.2021

Copy forwarded to All Chief Env. Engineers / All Chief Env. Scientists/ All Sr. Env. Engineers / All Sr. Env. Scientists/ All Env. Engineers / All Env. Scientists / All Regional Officers / Sr. Law Officer-L-II / Addl. Administrative Officer, SPC Board, Odisha, Bhubaneswar for information and necessary action.


Member Secretary


Memo No. 369 /date 07.01.2021

Copy forwarded to Env. Engineer-cum-System Administrator, IT Cell, SPC Board, Bhubaneswar for information and necessary action. She is requested to upload the Resolution in the website of the Board.


Member Secretary

Memo No. 370 /date 07.01.2021

Copy to concerned file for record.


Member Secretary