

**MINUTES OF THE 127TH MEETING OF THE GOA STATE
POLLUTION CONTROL BOARD HELD ON 27TH SEPTEMBER, 2017
AT 05.00 P.M. IN THE CONFERENCE HALL OF THE CHIEF
SECRETARY, SECRETARIAT, PORVORIM.**

1. The 127th meeting of the Goa State Pollution Control Board (GSPCB) was held 27th September, 2017 at 05.00 p.m. in the Conference hall of the Chief Secretary, Secretariat, Porvorim.


The following members / officials attended the meeting:

1.	Mr. Dharmendra Sharma, Chairman, Goa State Pollution Control Board.
2.	Principal Chief Conservator of Forests was represented by Chief Conservator of Forests, Mr. Mahesh K. Shambhu.
3.	Director, Department of Industries, Trade and Commerce was represented by Mrs. Olga Menezes, Dy. Director.
4.	Chief Engineer, Water Resources Department was represented by Mr. S. H. Nagarajavali.
5.	Director, Department of Mines and Geology (DMG) – Mr. Prasanna Acharya
6.	Director of Tourism was represented by Mr. Subhash Kavlekar, Asst. Director.
7.	Dr. Vasudev Deshprabhu, Pernem Municipal Council, Pernem.
8.	Mrs. Fatima Pereira, Village Panchayat, Velsao.
9.	Mr. Narayan Naik, Village Panchayat, Sancoale.
10.	Mr. Levinson J. Martins, Member Secretary, Goa State Pollution Control Board (GSPCB).

II. At the outset, the Member Secretary welcomed the Board members for the meeting besides the Board's section heads /staff. Thereafter, agenda was taken up for discussion.

Agenda item no. 01

Confirmation of the minutes of the adjourned 126th Board meeting held on 4th September 2017.



Members were informed that the minutes of the adjourned 126th meeting held on 4th September 2017 were forwarded to the Members and on discussion thereon, the same were confirmed to be entered in the 'Minutes Register' for records.

Agenda item no. 2 (a) - Follow-up action on the decision taken at the 124th, 125th and 126th meetings of the Board.

During the 124th / 125th Board meetings forty-five mining applications were considered for renewal / fresh consent to operate under Water and Air Acts. Out of which thirteen applications were from the Sonshi cluster and remaining thirty-two applications were from non-Sonshi cluster. One application from Sonshi cluster and twenty-nine applications from non-Sonshi cluster (*totalling to thirty nos.*) were approved for grant of consent subject to submission of bank guarantee. Out of these thirty applications, six mining firms have submitted the bank guarantee and accordingly, consents were issued to these six mining firms.

Subsequently, during the 126th Board meeting a complaint / representation received from Goa Foundation, Mapusa enclosing therein an 'Order' pronounced by the Hon'ble Supreme Court dated 2nd August 2017 in a matter of WP / 114/2014 (*i.e. Common Causes v/s Union of India*) was considered. Based on the same, above-referred forty-five mining applications were sub-categorized into (i) twenty-two mining units which have been granted environmental clearance (EC) as per provisions of the EIA Notification, 1994 and (ii) twenty-three mining units which have been granted environmental clearance (EC) as per provisions of the EIA Notification, 2006.

Further, it is informed that five mining units, *to which EC has been issued under the provisions of the EIA Notification, 1994*, had submitted the bank guarantee and consents were issued to them accordingly. Further, prior to 124th Board meeting, one mining unit, *to which EC has been issued under the provisions of the EIA Notification, 1994*, was granted consent which is valid upto 27/02/1018. However, the Board in response to the 'Order' pronounced by the Hon'ble Supreme Court referred in para above approved to issue SCN to these six mining units informing that their application will be kept in abeyance till until suitable orders are received arising out of legal interventions at various levels.



In addition to above, the Board was informed that seven mining units, to which EC has been issued under the provisions of the EIA Notification, 2006, were granted consents and a validity upto 2018 / 2019. Out of these seven mining units, only one unit has submitted a bank guarantee while, remaining mining units have to submit the bank guarantee as well as compliance / Plan of Action (PoA) to short / medium and long-term air-quality measures as prescribed in consultation with the ISM-IIT, Dhanbad.

Subsequently, the Board deliberated on the status of twenty-three mining units, to which environmental clearance (EC) was granted as per provisions of the EIA Notification, 2006. The details are elaborated as under -

1. The Board was informed that there are 13 mining units (*Annexure – 1*) which are located in the clusters (*except Sonshi cluster*) which have been granted environmental clearance (EC) as per provisions of the EIA Notification, 2006. It was also informed by the scientific section that these clusters have not shown any exceedance in the ambient air-quality parameters w.r.t. particulate matter (PM₁₀) prior to June 2017. Accordingly, the Board approved to consider grant of renewal of Consent to the mining units referred at Annexure – 1 subject to submission of Bank Guarantee (B.G.) as well as compliance to Plan of Action (PoA) submitted to the Board in consultation with the ISM-IIT, Dhanbad which are to be incorporated as “Specific Conditions” in the Consent to be issued. In addition, establishing vis-a-vis monitoring of ambient air-quality monitoring mechanism along the ore-transportation route at location(s) where settlement(s) are located and if such location(s) are not represented under the National Air-quality Monitoring Programme (NAMP) of the Board. Further, the Board agreed that till such time the Board sets up such monitoring stations, the mining firms concerned have to set-up the same at the locations determined by scientific section of the Board.

In addition, M/s Kashinath Talualikar (*Carmolochem Mol iron-ore mine – T.C. no. 48/58*) located in Sonshi cluster was approved for grant of Consent as the said lease was not operational during the period of reported exceedance during 2016-17. However, the lease holder is required to submit a B.G. (*based on the lease area*) as well as compliance to Plan of Action (PoA) submitted in consultation with the ISM-IIT, Dhanbad which



are to be incorporated as “Specific Conditions” in the Consent to be issued.

2. The Board was informed that in case of the mining unit of Late M/s Amalia R. G. Figueiredo–Polo Dongor iron and manganese ore mine (T.C. no. 65/51) to which although the environmental clearance (EC) was granted under the provisions of the EIA Notification, 2006, the Ministry of Environment, Forest and Climate (MoEF & CC) has not yet lifted the EC abeyance since 2012. Accordingly, the Board decided to defer the application pending relevant / suitable communication for the MoEF & CC, Govt. of India, New Delhi.
3. The Board was informed that there are 06 mining units in the Sonshi cluster (*Annexure – 2*) which have been granted environmental clearances as per provisions under the EIA Notification, 2006. It was also informed that this cluster has reported exceedance in ambient air-quality parameter with specific reference to particulate matter (PM₁₀) prior to June 2017.

The Board after discussion / deliberations, approved to consider grant of renewal of Consent to the mining units referred at Annexure – 2 subject to submission of Bank Guarantee (B.G.) as well as compliance to Plan of Action (PoA) submitted to the Board in consultation with the ISM-IIT, Dhanbad which are to be incorporated as “Specific Conditions” in the Consent to be issued. In addition, establishing vis-a-vis monitoring of ambient air-quality monitoring mechanism along the ore-transportation route at location(s) where settlement(s) are located. Further, the Board agreed that till such time, the Board sets up such monitoring stations, the mining firms concerned have to set-up the same at the locations determined by the Board.

In addition, the Board considered the imposition of punitive action for causing exceedance in the ambient air-quality parameters along the ore-transportation route during their operation in 2016-17. Accordingly, legal section of the Board was instructed to propose possible interventions namely (i) closure directions, (ii) punitive action which may be imposed on the defaulting units as per the applicable clause(s) / provision of Air / Water Acts. It was also deliberated regarding the possibility of imposing a proportionate reduction in the annual ore-extraction capacity (*lease-*



wise) of these mining units located in Sonshi cluster and accordingly, Department of Mines and Geology (DMG) was instructed to come out with / suggest probable plan of action to be deliberated during the next Board meeting, to be scheduled accordingly.

4. As regards to applications received from (i) M/s Sociedade De Fomento Industries Pvt. Ltd., - Copila Gaichem Paul (T.C. no. 88/52) and (ii) M/s Timblo Pvt. Ltd., Gaotone, Dusrifal at Codli (T.C. no. 14/58) to which environmental clearance (EC) was granted under the provisions of the EIA Notification, 2006, the Board was informed that these units be instructed to submit alternate ore-transportation route owing to reported exceedance in ambient air-quality parameter w.r.t particulate matter (PM₁₀) along the existing ore-transportation route during their operations in 2016-17. It was also clarified that the alternate ore-transportation route so proposed by the mining firms concerned be vetted / approved by the Department of Mines and Geology (DMG). And on approval of the said route, the units concerned need to establish location(s) at plac(es) where settlement(s) is (are) present in consultation with the Scientific section of the Board and monitor ambient air-quality as per protocol prescribed under NAAQMS, 2009. Accordingly, the matter was deferred till the mining units concerned submit relevant information as detailed above.
5. The Board was informed that six mining units (*Annexure – 3*) were granted the Consent as per the earlier decision taken during 124th / 125th and 126th Board meetings. However, in response to the 'Order' pronounced by the Hon'ble Supreme Court dated 2nd August 2017 in a matter of WP / 114/2014 (*i.e. Common Causes v/s Union of India*), it is given to understand that these units have been granted environmental clearance (EC) by the erstwhile Ministry of Environment & Forests (MoEF) as per provisions of the EIA Notification, 1994.

In view of the above back-drop, the Board decided to issue Show Cause Notices (SCNs) to these six mining firms as to why the applications submitted seeking Consent are not to be revoked.

Further, as regard to representations made by the mining units namely -

- (a) M/s Vedanta Ltd., w.r.t. Codli iron-ore mine (*to which the environmental clearance – EC was granted as per provisions of the EIA Notification,*



2006) requested to consider the ore-transportation from Codli mine to its Pig-iron plant located at Amona, Sanquelim vis Usgaon. After clarification sought from scientific and technical sections, it was informed that transportation through Usgaon will be to a lesser extent as compared to that occurred during the period of April-May 2017, owing to the reduced number of mining firms being approved for renewal of consent (i.e. leases for which environmental clearance (EC) has been granted under the provisions of the EIA Notification, 2006) thereby making space available to attempt throughput through Usgaon. However, once the ore-transportation from such mining leases commences the Board will have to closely monitor the ambient air-quality at the said NAMP location – Usgaon.

The Board after detailed deliberations decided to consider the request and approve the same in view of the outcome conveyed (i.e. minutes) in respect of National Priority Projects by the Ministry of Steel, Govt. of India under self-sustainable / self-reliable mandate. Further, it was also decided that the mining firm need to establish and monitor the ambient air-quality along the ore-transportation route at location(s) where settlement(s) is/are present along the said ore-transportation route if the same is not represented under the NAMP network of the Board.

- (b) **M/s Vedanta Ltd.**, w.r.t. request to consider the applications for renewal of Consent in respect of (a) Botwadecho Dongor mine, (b) Cosme Costa : Gaval-Sonshi mine and (c) Mareto Sodo mine located within the ‘Sonshi cluster’ as these leases were granted environmental clearances (ECs’) as per provisions of the EIA Notification, 2006.

The Board has decided to consider these applications as enumerated against agenda item 2(a) (3) above.

- (c) **M/s Vedanta Ltd.**, w.r.t. consideration of application of Surla-Sonshi beneficiation plant which is located in the core-zone of Surla-Sonshi lease area (located within the Sonshi cluster) for which two separate consents were issued by the Board earlier – one for Beneficiation plant and another for Sonshi-Surla mine. It was impressed upon that the said plant will receive ores from three mines namely (i) Mareto Sodo mine, (ii) Gaval-Sonshi mine and (iii) Botwadecho Dongor mine which are located within the ‘Sonshi cluster’.



The Board decided to reject the application in view of the fact that (1) the said beneficiation plant is located within the Sonshi-Surla lease area (i.e. core zone) for which environmental clearance (EC) was granted by the erstwhile Ministry of Environment and Forests (MoEF) as per provisions of the EIA Notification, 1994 and (2) reported exceedance of the ambient air-quality parameter with reference to particulate matter (PM₁₀) within the Sonshi cluster during 2016-17 period.

- (d) **M/s Minescape & Kadar Ores Pvt. Ltd.**, w.r.t. consideration of consent renewal application for Vangi Bindi Advoña mine to which environmental clearance (EC) was granted as per provisions of the EIA Notification, 1994 in view of the fact that no exceedance in the ambient air-quality parameters (especially particulate matter) has been reported and the unit has already submitted a bank guarantee of Rs. 25 lakhs earlier as per Board's decision in previous meetings.

The Board, as decided in all the mining applications to which EC was granted under the provisions of the EIA Notification, 1994, decided to reject the proposal (*refer 2(a)(5) above*) and return the Bank Guarantee (B.G.) of Rs. 25 lakhs to the mining firm on priority.

Agenda item no. 2(b) - Follow-up action on the decision taken at the 125th Board meeting held on 14/07/2017.

Agenda item no. 14 – In respect of the guidelines to be made applicable to industrial units located outside the notified industrial estates / zones / areas framed by the Technical Advisory Committee (TAC) of the Board, it was decided various 'terms' referred in the proposed guidelines be defined as per well-established nomenclature for normative interpretation and thereafter these guidelines be made available to seek comments from general public / relevant stakeholders prior to notifying the same for implementation. As such, the Chairman desired that the said guidelines be discussed among all sections of the Board and thereafter a noting / file be put up with relevant details therein for further consideration.

Agenda item no. 3 – The Board was apprised in respect of the ongoing construction work of the Building. The Technical section has taken a review meeting concerning the same in the presence of consultant and contractor and has given timelines of completion by November 2017. Further the Board has



been appraised that it had sought financial assistance from the Ministry of Environment, Forests and Climate Change (MoEF & CC), Govt. of India under the scheme – ‘Assistance for abatement of Pollution’ for the Board Laboratory. In response to this, the MoEF & CC has requested to seek financial assistance under ‘Integrated Coastal Zone Management (ICZM) project’: Phase-II of the same Ministry wherein proposal from all coastal States will be considered for appropriate funding. Letter to this effect has been forwarded to the Department of Environment and the reply is awaited.

Agenda item no. 4 – Member Secretary, Goa-PCB appraised the Board about the current status update in respect of ‘Order’ of the Hon’ble Supreme Court pronounced on 22nd February 2017 in the matter of Paryavaran Suraksha Samiti and Ors., V/s Union of India & Ors., W.P. (C) 375 / 2012. It was informed that out of 583 Sewage Treatment Plants (STPs) installed by the industrial units / hotels, residential complexes in the State and to which Consent to Operate (CTO) has been issued by the Board with a condition to submit monthly report. Upon verifying the reports submitted by these units, the Board has noted that 331 STPs are operating satisfactorily while 252 STPs will be verified within a further period of two weeks. Nodal officer of the Board agreed to complete the said assignment and submit the report which could be submitted to Hon’ble NGT, Principal Bench within time.

Agenda item no. 3

Revised Notification of Goa Water (Prevention and Control of Pollution) Rules, 1988 and Air (Prevention and Control of Pollution) Rules, 1982.

The Board members after due deliberation on the proposed revised Notification (*incorporating corrections / modifications / amendments*) has decided to forward the same to the Department of Environment to obtain Government approval prior to Notifying the same in the Official Gazette. It was also reiterated that once these Rules are Notified, the Board may execute the implementation of provisions of VIIth Pay Commission vis-a-vis disbursement of arrears, as applicable.

Agenda item no. 4

Draft Notification on Environment Audit Scheme (EAS)

The Board was appraised that a Gazette Notification on Environment Audit has been issued by the erstwhile Ministry of Environment & Forests (MoEF) on 13th



March 1992 (*amended vide Notification no. GSR 386 (E) dated 22nd April 1993*). Thereafter, Environment Engineer of the Board made a brief presentation on the proposed scheme which has been adopted from Gujarat Pollution Control Board. It was also informed that the Center for Science & Environment (CSE) was required to submit draft notification for Environment Audit Scheme and accordingly the same has been compiled as per the mandate of the Goa-PCB. The Chairman desired to understand the mandate of the said scheme vis-a-vis operational mechanism for its effective implementation. The Board after deliberation and discussion on the proposed draft Notification on Environment Audit Scheme (EAS), it was decided that the said draft be circulated / discussed with the all the sections of the Board to incorporate relevant comments and nominate a representative from the Scientific section to be a member of a Committee to be constituted under the said Scheme and a file be moved for prior approval, before placing it to Board.

Agenda item no. 5

Adoption of rates as notified by the Ministry of Environment, Forests and Climate Change (MoEF & CC) on behalf of the Central Pollution Control Board for sampling and analysis charges for Environmental Samples.

On perusal of the said Notification, the Board decided to adopt to the same with immediate effect as it is considered as one of the initiatives towards self-sustainability w.r.t. financial independency.

In addition and on approval of the Chairman, following 'Table items' were taken up for discussion / deliberations and suitable decision in the matter as detailed below –

- A. **Table item no. 01:** *PIL W.P. filed by the Goa Foundation* before the Hon'ble High Court of Bombay at Goa as scheduled to be listed before the Hon'ble High Court for hearing on 04/10/2017 at 10.30 a.m.

In response to the above matter, the Board was informed that a file has already been processed to appoint a Advocate to defend the interest of the Board. Accordingly, an Affidavit in response to the content in the petition is in the process of compilation for further needful. Board approved that the Legal section moves the file to the Board Advocate concerned accordingly.



B. Table item no. 2: *Standard Operating Procedure (SOP)* towards reports / payment submitted under the national Air-quality Monitoring Programme (NAMPP) in the State of Goa.

The Board, deliberated on the proposed SOP to be complied by the scientific section, as listed below –

1. The monitoring bills of the respective agencies should be put-up immediately and invariably accompanied by analysis of monitoring data.
2. It should be clearly mentioned as to whether the necessary protocol has been followed satisfactorily during the period of monitoring.
3. Random checking be mandatorily attempted.
4. If there is any exceedance then reasons thereof and proposed action against to be clearly put up so that the Legal section can thereafter initiate appropriate action / issue directions, etc., agreed to the same.

However, it was approved that the same be moved in a file after being examined by the scientific section.

C. Table item no. 3 : *Pollution potential regarding M. V. Lucky-Seven* stranded at Miramar coast

The Board was appraised about the current status of the matter and the same is elaborated as under –

The pollution potential of the M.V Lucky-Seven is from hazardous material and sewage if any in the vessel. The vessel was to submit inventory of the hazardous material if any of the Board. M/s Worldwide Resorts & Entertainment Pvt. Ltd., submitted the inventory of fuel & lube oils held on Board the vessel vide letter No.WREPL/GSPCB/17-18/01 dated 18/07/2017, The inventory of other hazardous materials is yet to be submitted.

Board vide letter No.1/20/17-PCB dated 24/08/2017 sought to confirm the status of removal of oil & sewage with present status from vessel & the



action plan for removal/refloating of the vessel. It is also required that CoP ensures submission of Bank Guarantee of 1 crore by the vessel owner latest by 10th October 2017.

CoP in response to the above letter vide letter No.B-11039/GSPCB/2017-18/4300 dated 05/09/2017 has informed the Board to refer the subject matter to the company itself for compliance.

Board could not visit the vessel as it was unsafe to Board for inspection as informed during the inspection by CoP representatives.

Subsequently and after deliberations on the matter referred above, the Board approved that -

- (i) **M/s Golden Globe Hotels Private Limited** may be directed to submit the Self declaration clearly indicating the inventory of all hazardous & other waste material and status of the same on Board (e.g. mode of storage, etc). Any other possible (air & water) pollution sources on Board vessel M.V. Lucky-seven.

In addition, the firm be directed to (a) ensure that no contamination of the sea water takes place due to pumping out of water, (b) submit a bank guarantee to ensure pollution control measures in place for identified sources of pollution present on board the vessel M.V. Lucky-seven.

- (ii) Since the Board does not have expertise of the marine vessels it is recommended that the Captains of Ports shall appoint an official to assist the Board in all respects.

- (iii) Further, with respect to possibility of likelihood damage to ecology due to the stranding of the said vessel & the attempts to refloat, it was decided that the GCZMA to be asked to conduct environmental damage studies at Miramar Beach for which they may take assistance of NIO and CoP for logistical support.

In addition, the Board also agreed to the following –

1. The Board will conduct and immediate inspection to verify the operation of the D.G. set located on the Miramar beach for the salvaging operations




and will ascertain as to whether this activity comes under the purview of, the Boards consent and authorization mechanism under the Air Act, and the Water Act as well as the Hazardous Waste Rules.

2. With regard to the damage caused to the beach due to the stranding of the vessel and its subsequent efforts at salvage; the members decided that the Board may like to consult with the NIO in order to establish the damage to the environment. On completion of this assessment the Board could then initiate necessary action against the parties found responsible for the environmental damage.
3. As regards to filing of an intervention application before the High Court in the proceedings pending before it on the issue of salvage of the vessel; the members decided that such intervention would be possible only after the Board conclusively establishes the potential pollution that can be caused due to the stranding of the vessel at the beach and the measures required to be initiated to prevent the said pollution. The Board could also place before the Court the impact the salvage operations have on the environment at the beach with specific reference to air / water pollution and the measures required to remediate / mitigate the same.

The members decided that the above would be required to be put up by the scientific section of the Board which could then be submitted to the Boards legal section and its Advocates for further necessary action.

4. The members also approved the proposal as placed in the present table item and decided that the scientific section of the Board should ensure that the same is complied with.
5. With regard to the seeking of Bank Guarantee the Board members decided that as a demand for the same has already been raised by the Board and the same has not been received by the Board till date.

The meeting ended with thanks to the Chair.


(Levinson Martins)
Member Secretary


(Dharmendra Sharma)
Chairman

Date: