

**Site visit to M/s Mundra Port & SEZ Limited Port site at Mundra and M/s OPG Power Gujarat Private Limited on 6<sup>th</sup> – 7<sup>th</sup> December 2010.**

Based on the representation received from Shri Bharat Patel, Machimar Adhikar Sangharsh Sangathan (MASS), Gujarat. The Ministry directed Dr. A. Senthil Vel, Additional Director, MOEF to visit the above two sites and submit a report. Copy of the representation is at **Annexure –I.**

2. Accordingly, the letters were issued to (i) Government of Gujarat,(ii) Gujarat Pollution Control Board (iii) Gujarat Ecological Commission (GEC) (iv) Directors of the above 2 units informing about the visit and requesting them to provide all necessary information and records to the visiting team.

3. The site visit to waterfront development project at Mundra District Mundra and OPG thermal power plant site was undertaken on 6<sup>th</sup> – 7<sup>th</sup> December, 2010. The officials who visited the site were:-

- (i) Dr. A. Senthil Vel, Additional Director, Ministry of Environment and Forests
- (ii) Shri M.V Patil, Executive Engineer, Gujarat Pollution Control Board
- (iii) Shri K. C. Panchol, RO, Gujarat Pollution Control Board
- (iv) Shri M.R Macwana, DEE, Gujarat Pollution Control Board
- (v) Shri Bakul C. Porahmbhatt, Scientific Officer, Gujarat Pollution Control Board
- (vi) Shri Nischal Joshi, Gujarat Ecology Commission
- (vii) Shri Vibhu Patel, Gujarat Ecology Commission
- (viii) Shri Bharat Patel, Machimar Adhikar Sangharsh Sangathan alongwith several other villagers



4. The site visit report alongwith the recommendations are attached as follows:-

**Report-I : M/s Mundra Port & SEZ Limited:**

**Background:**

- (i) The MOEF had issued the clearance under the Environmental Impact Assessment and Coastal Regulation Zone Notification for the proposed water front development project at Mundra, District Kachchh by M/s Mundra Port & SEZ Limited vide letter No.10-47/2008-IA-III dated 12<sup>th</sup> January, 2009 (**Annexure-II**) and an Addendum vide letter No.10-47/2008-

IA-III, dated 19<sup>th</sup> January, 2009 (**Annexure-III**). The clearances were issued based on the recommendations made by Gujarat State Coastal Zone Management Authority/Gujarat Environment Department vide their letter No.ENV10/2008/843-P, dated 13<sup>th</sup> April, 2008 was for foreshore facilities and other permissible activities for the north, west, south and east port. In the clearance letter, it was clearly mentioned at

“(A) Specific Conditions”,-

- “ i) No existing mangroves shall be destroyed during construction/operation of the project.*
- ii) There shall be no filling up of the creek and reclamation of the creeks.”*

*B. General Conditions:*

*“(i) Construction of the proposed structures, if any in the Coastal Regulation Zone area shall be undertaken meticulously conforming to the existing Central/local rules and regulations including Coastal Regulation Zone Notification, 1991 & its amendments. All the construction designs/drawings relating to the proposed construction activities must have approvals of the concerned State Government Departments/Agencies.”*

- (ii) Further, clearances have also been obtained from the State Environmental Impact Assessment Authority, Gujarat for the development of a township and area development project at Survey No.141, Part Village, Mundra falling within the above project area vide letter dated 20<sup>th</sup> February, 2010 (**Annexure-IV**).

The site visit team also met and heard the officials from M/s Mundra Port & SEZ Limited. The Members present from M/s M/s Mundra Port & SEZ Limited include,-

- (i) Dr. Malay Mahadevia, Director
- (ii) Shri B. S. Sodhi
- (iii) Shri Saurabh
- (iv) Dr. Ajoji Jain, AGM

M/s Mundra Port & SEZ Limited submitted a compliance report to the environmental clearance letter issued by the Ministry on 12<sup>th</sup> and 19<sup>th</sup> January, 2010 alongwith the information relating to a “airport/aerodrome” and the brochure pertaining to various mangrove conservation measures provided by M/s Mundra Port & SEZ Limited are given at **Annexure-IV**. Based on the site visit and the information provided by M/s Mundra Port & SEZ Limited and the Pollution Control Board, the compliance report to the above environmental clearance letter is placed at **Annexure-V**.

Following are the observations made at the project site based on the site visit by the above team and the time series satellite images provided by Shri Bharat Patel and Prof. R. Ramachandran, Director, Institute for Ocean Management:-

1. Large scale reclamation using dredged material is being carried out on mangrove area behind the West and North port site.



2. A dredging disposal pipeline has been laid in the inter tidal area carrying the dredged material to the landward side of the port to reclaim the land area on the West and North port side. This pipeline has been obstructing the tidal flow due to which the mangroves stretch on the western and northern port side have been affected and at several places they have dried up.



3. At several places there has been large scale destruction of mangrove area specially at the northern port side abutting the dredging pipeline.



4. The creeks systems and the natural flow of seawater is being obstructed by reclamation along the creeks. At some stretches destruction of mangroves has been observed.





5. M/s Mundra Port & SEZ Limited have developed an airport (the sign board at the site indicates “airport”). This airport is located close to the shore. As per the clearance letter from Civil Aviation Department dated 30<sup>th</sup> October, 2008 provided by M/s Mundra Port & SEZ Limited, the clearance has been obtained for developing a Mundra aerodrome. Development of an aerodrome requires clearance under Environmental Impact Assessment (EIA) Notification, 2006.
6. The township named as “Samundra Township” which has been cleared under EIA Notification by SEIAA on 20<sup>th</sup> February, 2010 is located in the Coastal Regulation Zone area of the creek and has been constructed by reclaiming the Coastal Regulation Zone area. Clearance under Coastal Regulation Zone notification has not been obtained.



7. Hospital “Sterling” has been constructed within 20metres from the same creek which attracts the Coastal Regulation Zone Notification, 1991.



In view of the above observation the following are the conclusions:-

- I. M/s Mundra Port & SEZ Limited have violated the Coastal Regulation Zone Notification, 1991 while developing the proposed water front development project at Mundra, District Kachchh. Hence, the following actions are proposed:-
  - (i) **Show Cause Notice under Section 5 of the Environment (Protection) Act, 1986 be issued against M/s Mundra Port & SEZ Limited regarding,-**
    - (a) **Cancellation of the clearance accorded vide letter No.10-47/2008-IA-III dated 12<sup>th</sup> January, 2009 and an Addendum vide letter No.10-47/2008-IA-III, dated 19<sup>th</sup> January, 2009 for the West port and North port.**
    - (b) **Cancellation of the clearance accorded to the Township project by SEIAA vide clearance letter dated 20<sup>th</sup> February, 2010 since, clearance under the Coastal Regulation Zone notification has not been obtained.**
    - (c) **Dismantling and removal of the pipeline carrying the dredged material for reclamation and opening up channels for tidal water flow.**
    - (d) **Dismantle/remove all reclamation that has been carried out on mangrove area.**
    - (e) **Open up all channel/creek systems which have been reclaimed in order to provide for natural flow of seawater.**
    - (f) **A mangrove afforestation of additional 1000ha in and around the project site be undertaken in consultation with the organizations like Gujarat Ecological Commission. Necessary funds for this purpose may be provided by M/s Mundra Port & SEZ Limited.**
  - (ii) **The Ministry may issue a policy letter to all the SEIAA/Coastal Zone Management Authorities to coordinate in such a manner that environmental clearances are not issued for Coastal Regulation Zone areas with necessary stipulations about CRZ clearance.**
  - (iii) **The Gujarat Coastal Zone Management Authority may be directed to enquire and submit a report within four weeks with regard to the construction of Samudra Township and the hospital “Sterling” which has been constructed in violation of the Coastal Regulation Zone Notification, 1991.**
  - (iv) **The Gujarat Coastal Zone Management Authority may be directed to have the revised Coastal Regulation Zone area prepared for the site and layout plan with permissible activities within four weeks superimposed. Whereafter, those activities which have undertaken or the structures which have been constructed or are in the process of being constructed in violation of Coastal Regulation Zone notification, 1991 shall be removed/dismantled forthwith, following the due process.**
  - (v) **A letter of caution may be issued to all the project proponents who have obtained environmental clearance from Ministry of Environment and Forests or from SEIAA stating that in case this project also attracts Coastal Regulation Zone Notification, 1991 necessary CRZ clearances from the concerned authorities under this Notification needs be obtained, before implementing the project.**

## **Report-2 : M/s OPG Power Gujarat Private Limited**

### **Background:**

- (i) For setting up of 2X150MW thermal power station M/s OPG Power Gujarat Private Limited have obtained SEIAA clearance on 11<sup>th</sup> June, 2010. The project is proposed to be located in Bhadreshwar, Mundra District.
- (ii) With regard to laying of the intake channel for the thermal power project which attracts the Coastal Regulation Zone Notification, 1991, M/s OPG had submitted a proposal to the Ministry on 4<sup>th</sup> January, 2010. This proposal was considered in the Expert Committee meeting held in July, 2010 and the proposal was rejected in its present form and the proponent were asked to submit a revised proposal for a intake system through a pipeline rather than a open channel system.

The MASS have alleged that the proponent has initiated civil constructions at the site without obtaining necessary clearances from the intake/outfall channel in CRZ area which is in violation to the environmental clearance issued by SEIAA. As per item No.12 of the Specific Conditions of the environmental clearance letter issued by Member Secretary, SEIAA (Gujarat) dated 11<sup>th</sup> June, 2010, *“The project proponent shall not start any construction/project enabling activities unless and until environmental clearance as well as all requisite prior permissions/clearances are obtained”*.

- (iii) Further, the following officials from OPG Power Gujarat Private Limited met the site visiting Committee who heard them and the information sought by the Committee was also provided by M/s OPG (**Annexure-V**):-

- i. Shri K. C. Pancholi, RO, Bhuj
- ii. Shri M. V. Patel, EE, GKB, HO
- iii. Shri M. R. Makwana, DEE, RO, Bhuj
- iv. Shri B. C. Braham Bhatt, S.O.,RO, Bhuj

- (iv) The following are the observations made during the site visit:-

- i. The unit has fenced the site with barbedwires.



- ii. The site has been cleared of vegetation.

- iii. The fishermen communities showed photographs of trees being uprooted during clearing.
- iv. Soil from outside has been brought and used for levelling of the ground.
- v. Tar/metal road has been laid within the project site.



- vi. Large burrows has been dug up at the project site which the project unit claimed that these are meant for soil testing and compaction testing.
- vii. Labour camps have been set up with temporary sheds.

The proposed intake point as mentioned by the fishermen communities were also visited. It was observed that the intertidal area is very large (more than 2-3kms) and the entire stretch is a mud flat which is highly biologically protective. The coastal waters are known for Bombay duck fishery. The fish catch was also seen in abundance.

During discussions and the information provided by the proponent it is observed that,-

- i. The Unit has not yet finalized the coal movement/transportation.
- ii. In the information provided they propose to used a blend of imported coal from Indonesia and indigenous coal (letter of agreement for importing the coal and the coal linkage have been provided). The imported coal is proposed to be transported from Mundra port which is 25kms from the site and Kandla Port which is 48kms. The indigenous coal would be brought by ship to the port or by road or by railway line. As per the information provided the coal would be transported from these ports through covered trucks. As per the information about 150 to 200 coal trucks are expected to move daily. This would be in addition to the fly ash that will be moved out from the project site.

During the site visit the conditions of various roads was observed. These roads leading to the project site are single lane, tar roads passing through villages. The roads are in a very bad condition with pot holes and at some stretches the roads are not motorable due to existing movement of container trucks from Adani Port.

- iii. The above aspect about the road condition and coal movement have not been covered in the EIA report. The movement of coal through such roads for a distance of 48 to 25kms to the project site is not appropriate from the environmental angle. Further, such increased traffic through villages is not call for.

In view of the above observations the following are the conclusions:-

- I. M/s OPG Power Gujarat Private Limited have violated the Environmental Impact Assessment Notification, 2006 by undertaking civil constructions without obtaining Coastal Regulation Zone clearance for the intake and outfall system for the project. Hence, the following actions are proposed:-

- i. **Show cause notice under Section 5 of the Environment (Protection) Act, 1986 be issued against M/s OPG Power Gujarat Private Limited regarding,-**

- (i) **as to why the environmental clearance issued by Gujarat SEIAA vide letter No.SEIAA/GUJ/EC/1(d)/114/2009, dated 11<sup>th</sup> June, 2010 should not be cancelled.**

- (ii) **M/s OPG Power Gujarat Private Limited should not maintain status-quo in respect of implementation of the project on the site.**

- II. **Shri Bharat Bhushan, Director, who is Secretary of EAC would be advised to inform the project proponent that the following issues would need to be addressed before his case is considered. EAC also to be informed,-**

- (i) **The intake channel as proposed by the Expert Appraisal Committee shall be firmed up. The design and location of the intake channel shall be discussed with the fishing communities who have expressed apprehension due to loss of fisheries.**

- (ii) **The intertidal area at the site is very large (more than 2-3kms). The project proponent should design the intake and outfall pipeline in such a manner that the inlet and outlet is much beyond the intertidal area and shall reach a depth of not less than 5mts. The entire pipeline shall be underground.**

- (iii) **The project proponent should provide a dedicated railway line or covered conveyor belt from the port so as to transport the coal. Transportation through trucks should not be permitted keeping in view the pollution and hazard involved.**

- III. **Member Secretary, SEIAA would be requested to ask project proponent to have the EIA report accordingly revised taking into account the above aspects including the composition of the imported coal and an addendum to the environmental clearance should be considered by the SEIAA.**

\*\*\*\*