

MAHARASHTRA POLLUTION CONTROL BOARD

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BY RPAD/FAX/ Hand Delivery

BO/ P & L Division/B- 4173
To,

The Regional Officer

Maharashtra Pollution Control Board

Mumbai/Navi Mumbai/Raigad/ Kolhapur/Amaravati/

Kalyan/Thane/ Aurangabad/ Nashik/Chandrapur/Nagpur

Pune

Date – 03/03/2012

Circular

Sub – Requirement of Environmental Clearance for all mining projects of minor minerals

Ref –i) Hon'ble Supreme Court Order dated 18/3/2004

ii) Hon'ble Supreme Court Order dated 27/2/2012

The Ministry of Environment and Forest, Govt of India has issued the circular that all the mining projects of major minerals of more than 5 ha lease area, which have not obtained Environment Clearance shall do so at the time of renewal of lease, in the context of Writ Petition No 4677 of 1995 by its order dated 18/3/2004.. A copy of said circular is enclosed.


Thereafter , the Ministry of Environment and Forest, Govt of India has published Environment Impact Assessment Notification, 2006, wherein the Mining projects with lease area of 5 ha and above and less than 50 ha area categorized as category "B" whereas, the projects with lease area of 50 ha and above are categorized as Category "A" projects. The Category "A" projects are considered at the Central Level in the Ministry of Environment and Forest, Govt of India and the category "B" projects are considered by the respective State/ UT levels, Environment Impact Assessment Authority, notified by the Ministry of Environment and Forest, Govt of India under the Environment Impact Assessment Notification, 2006.

In order to ensure the above compliance, the Ministry of Environment and Forest, Govt of India has decided **that all mining projects of minor minerals including their renewal irrespective of size of the lease would henceforth require prior Environment Clearance. Mining projects with lease area upto less than 50 ha including projects of minor minerals with**

lease area less than 5 ha would be treated as Category "B" as defined in the EIA Notification, 2006 and will be considered by the respective SEIAAs notified by the Ministry of Environment and Forest, Govt of India and procedure has been prescribed under the EIA Notification, 2006. A copy of Hon'ble Supreme Court Order passed in the IA No 12-13 of 2011 in SLP (C) No 19628 -19629 of 2009 filed by Shri Deepak Kumar etc V/s State of Haryana and others etc dated 27/2/2012 is enclosed for your ready reference.

The Hon'ble Supreme Court in its order dated 16/4/2012, in the above mentioned matter and linked applications has observed that, "All the same, Liberty is granted to the applicants to approach the Ministry of Environment and Forest, Govt of India for permission to carry on mining below 5 ha and in the event of which, the Ministry will dispose of all the applications within 10 days from the date of receipt of the applications in accordance with the law.

It is hereby informed that **all the mining projects of minor minerals including their renewal irrespective of size of the lease would henceforth require prior Environment Clearance.** Therefore you are requested to send such proposals to HQ/SEIAAS in dealing with such application/s ensuring the compliance of the Hon'ble Supreme Court Order dated 27/2/2012 and 16/4/2012 respectively and also make available the Hon'ble Supreme Court Order to the Officers in your jurisdiction. The copies of the Circular issued by the Ministry of Environment and Forest, Govt of India alongwith the earlier Hon'ble Supreme Court Order in Writ Petition No 4677 of 1995 dated 18th March 2004 and the present orders issued by the Hon'ble Supreme Court of India in the SLP (c) No 19628-1929 dated 27/2/2012 are separately send on the E-Mails of Regional Officers/ HODs.

5-7-12
50 (APC) 5/11/12

(Milind Mhaiskar)
Member Secretary

Copy to -

- i) Sr Law Officer (P&L Div) / Asstt Secretary(Tech)/Principal Scientific Officer/The Joint Director,(APC)/(WPC)/(PAMS)/ RO(HQ)/ MPCB, Mumbai- for information alongwith the Order Copy on E-Mail.
- ii) Asstt Law Officer, MPCB, Mumbai - for information
- iii) Asstt System Officer, MPCB, Mumbai - for information- He is requested to hoist the Hon'ble Supreme Court order dated 18/3/2005 and 27/2/2012 and Office Memorandum of dated 18th May 2012 on the website of the Board. (Link as - Hon'ble Supreme Court Judgement).