



Ministry of Environment and Forests
GOVERNMENT OF INDIA

Press Note

No Rules broken to benefit JSPL

I am shocked and pained to read in a newspaper published from Mumbai (in its edition dated 18.3.2011) that I have changed rules to benefit Jindal Power and Steel Limited (JSPL). This is completely baseless and all records regarding this project are available for any one to inspect and check the veracity of what I am saying. The following are the facts of the case:

1. The environmental clearance for the 6 mtpa Integrated Steel plant at Kerjang in Orissa by JSPL project was accorded on February 22nd, 2007. Stage-I forest clearance was given on March 20th, 2010 and final forest clearance of 168.232 hectares was given on October 28th, 2010.
2. In response to a complaint dated November 6th,2010 received from the Wildlife Society of India, Orissa, MoE&F issued a show-cause notice to JSPL on December 14th,2010 under Section 5 of the Environment (Protection) Act 1986 in view of the reported non-compliance of conditions stipulated in the environmental clearance.
3. On December 21st, 2010, a site inspection was conducted by the Regional office of the MoE&F at Bhubaneswar. A copy of the inspection report is at Annexure-I.
4. The MoE&F gave a hearing to JSPL on December 29th, 2010. The Minutes of the hearing are at Annexure-II.
5. On January 6th, 2011 , the Forest Conservation (FC) Division of the MoE&F issued a circular revising para 4.4 of the Guidelines on the Forest (Conservation) Act, 1980 regarding projects involving forest as well as non-forest lands. This is at Annexure-III. As per this circular “ if a project involves forest as well as non-forest land, it is **advisable** that work should not be started on non-forest land till the approval of the government for release of the forest land under FCA 1980 has been given”. The original para 4.4 did not contain the proviso “ it is advisable”.

6. It is only on February 17th, 2011 that I discovered the existence of the January 6, 2011 circular referred to in para 5 above. For some reason, the circular had been issued **without** my approval but after a discussion in the Forest Advisory Committee. I took serious note of this lapse and immediately ordered that the status-quo ante should be restored. My note of February 17th, 2011 and my file noting of February 22nd, 2011 are at Annexure-IV. Based on my note of February 17th, 2011, a revised circular was issued withdrawing the January 6th, 2011 circular. This is at Annexure V.
7. On February 10th, 2011 directions for the show-cause notice had been issued to JSPL as at Annexure-VI. These directions imposed **additional** conditions to the original environmental clearance.
8. It is beyond doubt that JSPL had started construction in non-forest land before getting final forest clearance. To deal with this violation, the MoE&F has requested the state government to take action under Section 19 of the EPA, 1986 which is the usual practice. This is at Annexure VII.
9. I want to make it absolutely clear that no rule was changed in any way to benefit JSPL. **Contrary to what is made out in the press item, far from changing the rule to benefit JSPL, I have, in fact, restored the original guideline which JSPL is in clear violation of. This original guideline which is now in force says "if a project involves forest as well as non-forest land, work should not be started on non-forest land till the approval of the government for release of non-forest land under FCA, 1980 has been given".** To make this abundantly clear and to avoid further mischievous interpretation, a fresh circular has been issued today. This is at Annexure VIII.

The MoE&F will continue to implement the laws passed by Parliament without fear or favour.



(Jairam Ramesh)

MOS (I/C) E&F

21/3/11

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Annexure-II : Minutes of Hearing dated 29.12.2010

Annexure-III: Circular dt. 6.1.2011 revising para 4.4 of the Guidelines on FCA,1980

Annexure-IV : MEF's note dated 17.2.2011 and File Noting dated 22.2.2011

Annexure-V : Circular dated 17.2.2011 withdrawing revision of para 4.4

Annexure-VI: Directions for the Show-cause notice dated Feb.10,2011

Annexure-VII: MoE&F letter to state government under Section 19 of EPA,1986 dated
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Annexure-VIII: Fresh circular dated 21.3.2011 reiterating original para 4.4 of the
Guidelines on FCA, 1980.

ANNEXURE-I

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS
EASTERN REGIONAL OFFICE
A/3, CHANDRASEKHARPUR, BHUBANESWAR - 751 023
TEL. : (Off.) 2301213, 2302432, 2302443, 2302452, 2302453
FAX : 0674-2302432. GRAM : PARYAVARAN, BHUBANESWAR
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SPEED POST

ANNEXURE - I
भारत सरकार
पर्यावरण एवं वन मंत्रालय,
पूर्वी क्षेत्रीय कार्यालय
ए/3, चन्द्रशेखरपुर, भुवनेश्वर - 751 023
तार - पर्यावरण, भुवनेश्वर
Date: 24.12.2010

File No.: 101-249/EPE

To

Dr. P. L. Ahujarai, Scientist 'F',
Government of India,
Ministry of Environment and Forests,
Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi- 110 003.

Sub: Show cause notice under Section 5 of the Environment (Protection) Act, 1986 for revocation of the environmental clearance in view of the non-compliance to the conditions stipulated while according environmental clearance to the 6 MTPA Integrated Steel Plant and 1000 MW Captive Power Plant at Kerjang, Angul Orissa by M/s Jindal Steel & Power Limited - regarding.

Ref: Ministry's letter No. J-11011/365/2006-IA.II (I) dated 16th December, 2010.

Madam,

With reference to the subject cited above, a visit to the 6 MTPA Integrated Steel Plant and 1000 MW Captive Power Plant at Kerjang, Angul has been conducted and the observations on the construction activities in progress at the project site and the monitoring report on the status of compliance to different conditions as applicable at present are enclosed for kind information and necessary action.

Yours faithfully,

N. L. N. S. Prasad

(Dr. N.L.N.S. PRASAD)
SCIENTIST 'F'

-Encl: As above.

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**MONITORING REPORT OF 6 MTPA INTEGRATED STEEL PLANT & CAPTIVE
POWER PLANT OF M/S JINDAL STEEL & POWER LIMITED.**

With reference to the letter No. J-11011/365/2006-IA.II (I) dated 16th December, 2010, a site inspection has been conducted to the 6 MTPA Integrated steel plant and 1000 MW Captive Power Plant at Kerjang, Angul, Orissa by M/s Jindal Steel and Power Limited on 21st December, 2010. Shri Rajesh Kumar Jha, Executive Director, Shri J. I. Parija, Vice-President and Shri S. K. Sharma, General Manager (L&A) accompanied during the visit to different construction sites of the project. Discussions were also held with them on the construction activities taken up for the project. The details of observations and status of compliance to different environmental conditions of the clearance letter, as applicable at present are as follows:

- 1) The project received the 1st environmental clearance for 6 MTPA integrated steel plant with a captive power plant of 1000 MW vide Ministry's letter No. vide letter No. J-11015/365/2006-IA-II (I) dated 22.02.2007 with a total project cost of Rs. 15000 Crores. Further, Ministry accorded environmental clearance for integrated steel plant of 6 MTPA and a captive power plant of 8 x 135 MW i.e. 1080 MW on 14.11.2008 with additional specific conditions. The total cost of the project is Rs. 21000 Crores.

The condition No (x) of the additional conditions specified in the clearance letter reads "Consent for Establishment' for the revised Integrated Steel Plant (6.0 MTPA) and Captive Power Plant (1,156 MW) shall be obtained from the Orissa State Pollution Control Board and a copy submitted to the Ministry's Regional Office at Bhubaneswar".

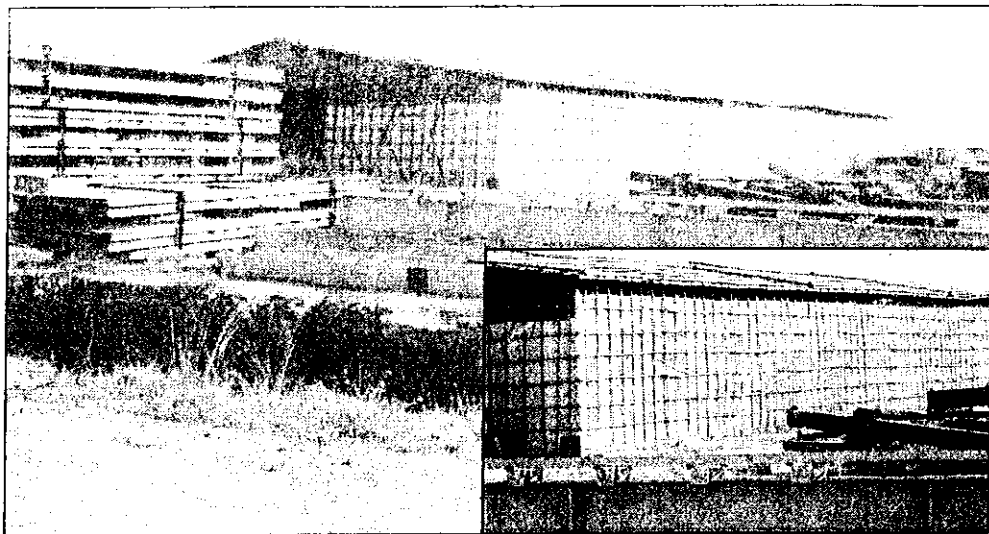
In the project proposal for diversion of 168.232 ha forest area, it was mentioned that 6 MTPA of Integrated Steel Plant and a Captive Power Plant of 900 MW capacity.

Thus, there is a discrepancy in the capacity of power generation in different clearance letters which requires clarification.

- 2) The project has a total area of 2016.787 ha including 168.232 ha of forest area. Of the 1848.555 ha of non-forest area, the project has 1214 ha area under its possession. The project was accorded Stage-I clearance for diversion of 168.232 ha of forest area on 30.03.2010. The State Govt. submitted compliance report of Stage-I clearance conditions on 08.10.2010. Subsequently, the Stage-II/Final clearance for diversion of 168.232 ha was received on 28.10.2010.
- 3) During the visit to the plant site, it has been noticed that several construction activities of the power plant have been in progress in the 1214 ha non-forest area under its possession. These include: 2 chimneys, cooling towers, pump house, gasification plant, plate mill, rainwater harvesting pond, garland drains, compound wall, etc. Besides, 2 numbers of storage sheds of approximately 40-50 meter size, constructed with Bamboo poles and covered with Tarpaulin sheets, were observed near the power plant construction area, apparently for storing of motors and boxes

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with plant equipment. Besides, other construction materials and plant equipments have also been kept in open. It has been stated that a total of 5 numbers of such storage sheds were constructed in the complex in September, 2009 for which a Show-Cause Notice was issued by the DFO, Angul Division on 06.10.2009. Of the 5 sheds, 3 sheds were subsequently, dismantled and 2 are still remaining.



Side view of the storage shed.

- 4) It is noticed that the following works have been undertaken by the project relating to the compliance to environmental conditions of the Ministry's clearance letter as applicable at present.
- i) Conditions of clearance letter No. J-11011/265/2006-IA.II (I) dated 22.02.2007.

A) Specific Conditions:

- a) Condition No. (v): Water requirement from river Brahmani for the plant should not exceed 14000 m³/hr.

It has been stated that permission has been obtained from the Department of water Resources, Govt. of Orissa for 7,000 m³/hr dated 11.12.2006.

As per the information submitted to this office, subsequently, permission for 2 cusecs from dug well downstream of Derjang Dam for 3 years during construction of the project was accorded by the Department of Water Resources, Govt. of Orissa vide letter No. 28831/WR.WR(C)56/2008 dated 26.08.2008 and 95.16 cusecs (9700 m³/hr) for the operation of the plant vide letter No. 28837/WR.WR(C)56/2008 dated 26.08.2008 (copy of the letters were submitted to this Office).

- b) Condition No. (ix): To develop rainwater harvesting structures to harvest rain water.

The project has constructed a huge pond in an area of 250 acres (101 ha) area for harvesting and storage of rain water to the tune of 10 million cubic meters.



View of the rainwater harvesting pond.

- c) Condition No. (x): To develop green belt in at least 33% of the area in plant premises.

33% of the area of the project is about 663 ha. Project has initiated plantation around the residential colony. 2 huge banyan trees have been transplanted in the Guest house premises on experimental basis with the help of a crane which are growing well. Subsequently, a machine for transplantation of trees (Trans-planter- Big John Brand) was purchased at a cost of Rs. 2 Crores. It has been stated that when construction works are taken up in the forest area, the machine will be used for transplantation of trees for green belt development which not only facilitates to preserve the natural species of plants of the area but also in development of green belt with mixed species. From 2009-11, a total of 1 Lakh saplings have been planted. It is stated that the project has a plan to plant at least 1 Lakh saplings (two years old) every year in the plant premises as well as outside. The plant also has set up a nursery to raise 1 Lakh saplings to cater to the plantation requirement. **Project should submit a detailed plan of plantation for the 663 ha with a map and time schedule of plantation.**

- d) Condition No. (xii): Occupational Health Surveillance of workers.

At present, there are more than 6000 number of workers engaged in the construction works by different contractors including employees of the project. It has been stated that regular medical check up is conducted for all the workers engaged in construction activities. An Occupational Health Centre has been set up at the project site. It has been stated that 8 Specialist Doctors - including a Chest Physician and 4 Pharmacists and other supporting staff totaling 57 have been appointed for occupational health surveillance and to attend to health care of workers. At the time of joining, health check up is conducted to

all the employees including the contract labourers. As per the data submitted by the project in the National Safety Council format, periodical Occupational Health Surveillance Programme is conducted for the workers. It is stated that X-Ray, Audiometric, Lung Function Test, Blood Test are conducted and registers are maintained. It is reported that till date, 5703 workers have been covered under the programme. No disease related to occupation has been reported, so far.

- e) Condition No. (xiv): Implementation of recommendations of Chief Wildlife Warden.

It has been stated that Wildlife Management Plan has been prepared and approved by the Principal Chief Conservator of Forests-cum-Chief Wildlife Warden, Orissa with a budget of Rs. 3.78 Crores and the project has submitted the amount on 04.08.2010 with the Forest Department for implementation of the plan.

- f) Condition No. (xv): Rehabilitation of project affected persons.

It has been stated that as per the original plan, a total of 261 families will be displaced by the project and all the families have been compensated as per the Rehabilitation Package of the State Govt. The Rehabilitation colony has been set up at Gopabandhu Nagar (near Badamahitala village) with a total number of 250 houses. Each house has 10 decimal plot, 2 bed rooms with concrete roof and fly ash bricks have been utilized for construction. During the site visit, it has been observed that families have already moved into the rehabilitation colony and living there. It has been stated that so far, 161 displaced families have already been rehabilitated at the site. The colony has a dispensary, a school which is functioning upto 8th standard at present and to be upgraded upto 10th standard subsequently, a market complex, a community hall, fruit orchards and other amenities such as electricity, drinking water, roads and drainage facilities have been provided. A health clinic has been set up with 1 doctor and 2 pharmacists. Registers on the health status of the patients/workers visiting the dispensary show that the general problem relates to Upper Respiratory Track Infections (URTI), particularly during winter.

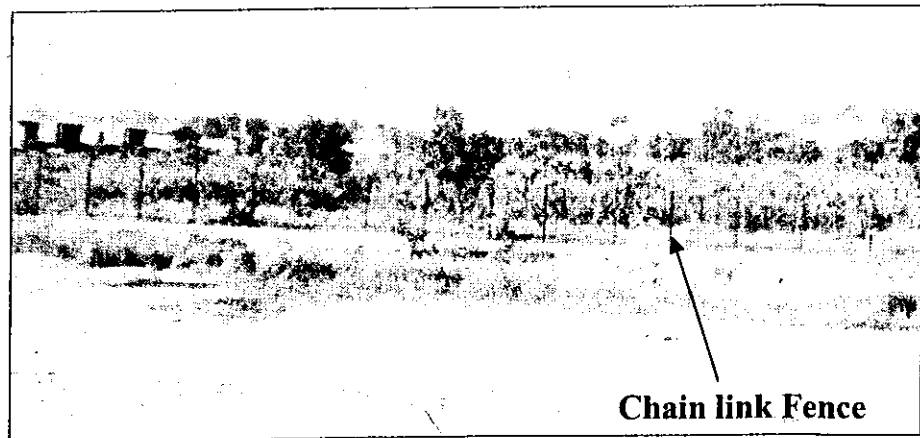
- g) Condition No. (xvi): No construction activity at project site shall be initiated till the approval of the 168.232 ha of forest land is obtained under F (C) Act.

The project has a total area of 2016.787 ha including 168.232 ha of forest area. Of the 1848.555 ha of non-forest area, 1214 ha area is under the possession of the project. The project was accorded Stage-I clearance for diversion of 168.232 ha of forest area on 30.03.2010. The State Govt. submitted compliance report of Stage-I clearance conditions on 08.10.2010. Subsequently, the Stage-II/Final clearance for diversion of 168.232 ha was received on 28.10.2010.

During the visit to the plant site, it has been noticed that several construction activities of the power plant have been in progress in the

1214 ha non-forest area under its possession. It has been stated that construction activities started in April-May, 2010. The construction activities include: 2 chimneys, cooling towers, pump house, gasification plant, plate mill, rainwater harvesting pond, garland drains, Compound wall, etc. Besides, 2 numbers of storage sheds of approximately 40-50 meter size were observed near the power plant construction area, apparently for storing of motors and boxes with plant equipment. It is stated that a total of 5 numbers of such storage sheds were constructed in the complex of which 3 were subsequently dismantled. It is stated that the valuable materials stored in open were stolen and the concerned file has been examined which shows that at least 80 FIRs were filed in this regard. Some of the Copies of FIRs were submitted by the project are attached (please see **ANNEXURE-I**). It was stated that to protect the materials from theft, the storage sheds were constructed.

The forest area of 168.232 ha is distributed in patches. About 14.97 ha (37 acres) is located in the area now in possession. As per the layout map submitted by the project, these patches are spread over 13 patches. It is stated that each of these patches is as small as less than 1 acre to as large as 3 acres. Most of the patches have been fenced out on all sides either with barbed wire or with mesh but some are yet to be fenced. No construction has been observed in these forest patches. The remaining forest area has been observed to have no encroachments/ constructions.



View of the fenced out forest area.

It has been stated that the construction of storage sheds and other works related to captive power plant in non-forest area was undertaken in September, 2009, before obtaining Stage-I clearance, thus, violating the guidelines of the Forest (Conservation) Act.

As per the environmental condition, no construction activity should be initiated at project site till the approval of the 168.232 ha of forest land is obtained under F (C) Act. However, project has initiated construction activities mentioned above in non-forest area before obtaining approval for diversion, thus, continuing the violation of the condition till the final approval in October, 2010.

B) General Conditions:

- a) Condition No. (i): Compliance to OSPCB stipulations.

Project obtained NOC/ "Consent to Establish" from OSPCB vide letter No. 16647 dated 06.10.2010.

- b) Condition No. (vi): Environment protection measures as per EIA/EMP and Socio Economic Development Activities.

Community development programmes have been initiated in 18 villages viz. Badamahitala, Sana Kerjang, Bada Kerjang, Jamunda, Jamunda Jungle, Jarada, Nisa, etc. since, 2008. As per the details by the project, a number of community development programmes have been taken up in these villages which include Health, Hygiene & Nutrition, Imparting Quality Education, Generating Sustainable Livelihood options, Sports, Youth & Culture, Community Infra structure Development, Women empowerment, Natural Resource Management and Stake holder engagement and other need based critical support and an amount of Rs. 15.50 Crores has been spent for the purpose. During the visit, middle level school, the income generation schemes for the affected people such as value added cosmetic products like herbal perfume soap, fairness oils, massage oils, etc. are produced with the traditional skills and training also is imparted among the local villagers in this regard.

- c) Condition No. (vii): EIA/EMP mentioned that Rs. 2000 Crores capital cost and Rs. 100 Crores recurring cost per year will be utilized for environmental pollution control measures.

As per the details submitted by the project, an amount of Rs. 452.23 Crores has been spent till 31.03.2010 on the project which includes expenditure towards cost of land development, fencing and portable boundary wall, kuchha approach roads and storage godowns/sheds. Besides, Rs. 172.08 Crores has been spent towards civil construction works for different units of the power plant and steel plant units, Rs. Rs. 178.21 Crores spent for R&R colony, staff housing colony, etc. till November, 2010. Advances have been paid for procuring plant equipment to the tune of Rs. 4359.31 Crores.

It was submitted by the project that for environmental control measures in the power plant as well as integrated steel plant suitable inbuilt measures have been adopted for which required capital cost has been included in the plant equipment. An amount of Rs. 15.50 Crores has been spent towards CSR activities and Rs. 1.0 Crore for plantation. It has been stated that for raising nursery and plantation activities an amount of Rs. 1.0 Crore per year is provided in the budget. A 'tree trans-planter' machine by Big John brand has been imported from USA at a cost of Rs. 2 Crores to facilitate transplantation of full grown trees that are to be removed from the project site during construction activities.

- d) Condition No. (viii); Submission of six monthly compliance reports.

Project has submitted the six monthly compliance report on the progress of the project construction and compliance to the conditions during the site inspection on 21.12.2010.

- e) Condition No. (ix): Advertisement of accordance of environmental clearance.

Advertisement has been made in local Oriya newspapers "The Dharitri" and "The Sambad" on 01.03.2007.

- f) Condition No. (x): Date of financial closure.

It is stated that the date of financial closure is 06.03.2009 and the date of commencement of land development works is 02.04.2010.

- ii) Conditions of clearance letter No. J-11011/265/2006-IA.II (I) dated 14.11.2008.

A copy of the EIA/EMP report submitted incorporating increase in capacity of certain plants and new plants should be submitted to the Regional Office.

Compliance status in respect of additional conditions stipulated that are applicable at present, is as follows:

- a) Condition No. (iii): Water requirement from river Brahmani for the plant should not exceed 14,000 m³/hr.

It has been stated that permission has been obtained from the Department of water Resources, Govt. of Orissa for 7,000 m³/hr dated 11.12.2006.

Subsequently, permission for 2 cusecs from dug well downstream of Derjang Dam for 3 years during construction of the project was accorded by the Department of water Resources, Govt. of Orissa on 26.08.2008 and 95.16 cusecs (9700 m³/hr) for the operation of the plant.

- b) Condition No. (x): Consent to Establish for a revised integrated steel plant (6.0 MTPA) and CPP (1156 MW) shall be obtained from OSPCB.

Project obtained NOC/ "Consent to Establish" for integrated steel plant (6.0 MTPA) and CPP (8 x 135 MW = 1080 MW) from OSPCB vide letter No. 16647 dated 06.10.2010. **However, for CPP of 1156 MW as per the condition is yet to be obtained.**


 (Dr. N.L.N.S. PRASAD)
 SCIENTIST 'F'

PART-II

Conditions that need special attention:

A. Clearance letter No. J-11011/265/2006-IA.II (I) dated 22.02.2007:

- a. Project should submit a detailed plan of plantation for the 663 ha with a map and time schedule of plantation (Specific Condition No. x).
- b. It has been stated that the construction of storage sheds and other works related to captive power plant in non-forest area was undertaken in September, 2009, before obtaining Stage-I clearance, thus, violating the guidelines of the Forest (Conservation) Act.

As per the specific condition No. (xvi), no construction activity should be initiated at project site till the approval of the 168.232 ha of forest land is obtained under F (C) Act. However, project has initiated various construction activities in non-forest area before obtaining approval for diversion, thus, continuing the violation of the condition till the final approval in October, 2010 (Specific Condition No. xvi).

B. Additional Conditions stipulated vide Clearance letter No. J-11011/265/2006-IA.II (I) dated 14.11.2008.

- 1) A copy of the EIA/EMP report submitted incorporating increase in capacity of certain plants and new plants should be submitted to the Regional Office.
- 2) Consent to Establish for a revised integrated steel plant (6.0 MTPA) and CPP (1156 MW) is yet to be obtained from OSPCB (Condition No. x).

N.L.N.S.
(Dr. N.L.N.S. PRASAD)
SCIENTIST 'F'

ANNEXURE-II

MINUTES OF THE HEARING HELD AT 3.00 P.M. ON 29.12.2010 IN ROOM NO. 403, 4TH FLOOR IN THE MINISTRY OF ENVIRONMENT AND FORESTS ON THE CLARIFICATIONS FURNISHED IN RESPONSE TO THE SHOW CAUSE NOTICE DATED 22.11.2010 BY M/S JINDALS STEEL & POWER LIMITED (JSPL), FOR 6 MTPA INTEGRATED STEEL PLANT AND 1000 MW CAPTIVE POWER PLANT AT KERJANG, DIST. ANGUL, ODISHA.

The Ministry of Environment & Forests issued a show cause notice on 22nd November, 2010 to M/s Jindal Steel & Power Limited (JSPL) under Section 5 of the Environment (Protection) Act, 1986 for 6 MTPA Integrated Steel Plant and 1000 MW Captive Power Plant for non compliance to the conditions stipulated while according environmental clearance on 22nd February, 2007 by starting construction activity on the non forest Government Land.

2. M/s JSPL vide their letter No. JSPL/ANGUL/MOEF/2010 dated 07th December, 2010 requested the Ministry to grant one month time for furnishing the reply due to certain reasons. The Ministry vide letter dated 14th December, 2010 granted extension of two weeks time with effect from 14th December, 2010 including the personal hearing. They were asked to file the response by 22nd December, 2010 and hearing was fixed on 29th December, 2010.

3. The hearing took place at 3.00 pm on 29.12.2010. Dr. Nalini Bhat, Scientist 'G' heard the matter. Dr. P.L. Ahujarai, Scientist 'F', Dr. N.L.N.S Prasad, Scientist 'F', Regional office, Bhubaneswar, MoEF, Shri H.C Chaudhary, AIG (FC) and Shri Ramesh Motipalli, Scientist 'C' were also present during the hearing.

4. From M/s JSPL, the following officers attended the hearing:

- (i) Shri S. K. Sharma, GM. (L&A)
- (ii) Dr. J.K. Soni, AVP (Environment)
- (iii) Shri Rajesh Kumar Jha, ED, JSPL
- (iv) Shri R.S. Sharma, MD, JPL
- (v) Shri Anand Goel, Joint M.D. JSPL
- (vi) Shri Bharat Rohra, Ex. V.P, JPL
- (vii) Shri Jagat Parija, Vice President, JSPL

6. Initiating the hearing, Dr. Nalini Bhat, Scientist 'G' informed the representatives of M/s JSPL that the purpose of the hearing is to discuss the issues in response to the show cause notice issued by the Ministry. M/s JSPL were informed that the above show cause notice was issued based on the representations received by MoEF. The Ministry has received submissions made by you and at your request personal hearing has been given. She further informed them that any additional document required will need to be provided by you. M/s JSPL were asked to give their reply/clarifications in form of presentation or oral submissions.

7. The response of M/s JSPL on the issues /clarifications include the following:

- The environmental clearance was accorded on 22nd February, 2007 and an amendment to the environmental clearance was issued on 14th November, 2008.

- M/s JSPL informed that a MoU was signed with Orissa State Govt. on 3rd November, 2005 for the above project. As per the MoU, the plant was to be commissioned within a time period of six years.
- Cost of the project is about Rs. 25,000 crores and would give direct employment to 6,000 persons and indirect employment to 18,000 persons.
- The total project area is 2,016 ha of which, 168.232 ha is forest land which is 8% of the total plant area. The forest area is in 33 patches which has been fenced.
- This is for the first time in the Country wherein State-of-the-art Eco-friendly technology is being installed in the plant which would result in very low CO₂ emissions. The gasifier technology for coal gasification is an advance technology from South Africa. The DRI would run on the gas generated from the coal gasification.
- Dry quenching is proposed for the coke oven plant. Firm coal linkage is available for CPP. The total CPP capacity is 1156 MW with a breakup of CFBC-1080 MW (8X135 MW), WHRB-62 MW and 14 MW from the TRT (Top Gas Recovery Turbine) i.e. power generated from potential energy/ pressure Energy.
- The land acquisition is in progress. By the year 2008 about 1,000 ha of land area was acquired and as on date about 1550 ha of area is in their possession and 450 ha of land area is yet to be acquired. Out of 663 ha of land area to be developed under green belt, as on date 50 ha of area has been brought under green belt. Entire 663 ha of area would be under green belt by the date of commissioning of the plant. The tentative period of commissioning would be in the year 2015.
- About 435 families are to be displaced from the project site. 165 families have been shifted at a distance of 3 km from the project site. The company has undertaken a number of CSR activities which involve community development, women empowerment programme by means of income generating programme, provision of sustainable livelihood and setting up of schools etc.

8. Specific to the show cause notice issued, M/s JSPL informed that they had applied for forest clearance in the year 2006 and the Forest Advisory Committee meeting took place in year 2008. The Stage-I Forest Clearance under the Forest (Conservation) Act, 1980 was obtained on March 30, 2010 and Stage-II Clearance under the Forest (Conservation) Act, 1980 has been obtained on October 28, 2010. The forest patches have not been touched at all.

9. The MoU signed with Orissa State Govt. had a condition that within 3 years, the land acquired has to be utilized. Engagement/employment of the land oustees is a big issue. There are 6 villages in the project site and a number of them on the periphery of the project site. A kuccha road has been laid in the non-forest land, to convey machinery which had arrived. Temporary constructions have been made to protect the machinery from being affected by the weather or from its parts being stolen. The kuccha road is also used by the villagers.

10. Additionally, M/s JSPL submitted that insertion of condition (xvi) in the environment clearance regarding "no construction activity at the project site shall be initiated till the approval for the 168.232 ha forest land is obtained under the Forest

(Conservation) Act, 1980 and subsequent amendments from the State/Central Government" appears to be based on Clause 4.4 of Chapter 4 of the Handbook issued by the Ministry. The interpretation of Clause 4.4 by M/s JSPL include the following:

- (i) That the provisions of the Forest (Conservation) Act are not violated by starting construction works in non-forest land, and
- (ii) That this clause is only intended to prevent the expenditure involved from proving "to be infructuous if diversion of forest land involved is not approved" as is also evident from plain reading of said Office Memorandum dated 02.12.2009 of the Ministry of Environment & Forests.
- (iii) As there may be no violation of the Forest (Conservation) Act, 1980 as pointed out in Clause 4.4, and as it is intended to protect the expenditure from becoming infructuous and in view of the fact that the forest clearance has been given in regard to both Stages-I and II, it is submitted that no case for withdrawal of the environmental clearance arises.

11. The Regional Office of the MoEF at Bhubaneswar visited the site on 21st December, 2010. Certain observations have been made in the report. Further, one more representation has been received by the Ministry expressing concern regarding impact of drawl of water on the agriculture crops. Based on the submissions made by the proponent, observations made in the site inspection report and representations received, the following additional information / clarification was sought from M/s JSPL by 10th January 2011.

- Chronology of details of activities undertaken from February, 2007 to October, 2010 in the non forest land and proof that no activity was undertaken in the forest land.
- The activities undertaken shall also be shown on the location map.
- Clarification on the representation received by MoEF w.r.t. drawl of ground water and hence depriving the local people. A copy of the permission obtain for ground water drawl shall be submitted. Further, water is to be drawn from the Derjang Dam. Impact on the neighboring village due to drawl of water vis-à-vis mitigation measures shall be submitted.
- A detailed note on Water Conservation measures including installation of Air Cooled Condensers and COC more than 5 for the Captive Power Plant.
- Commitment for dry quenching in the coke oven plant
- Commitment / feasibility for control of Particulate emissions 50 mg/Nm^3.
- Action plan for management of solid waste.
- The commitment regarding "that 663 ha of plant area will be covered under green belt before the operation of the plant.

ANNEXURE-III

F. No. 2-1/2003-FC
Government of India
Ministry of Environment & Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110003
Dated: 6th January, 2011.

To

The Chief Secretary / Administrator,
All States and Union Territories.

Sub: Revision of para 4.4 of the guidelines on Forest (Conservation) Act, 1980 regarding projects involving Forest as well as Non-forest Lands.

Sir/Madam,

Instances have come into the notice of the Ministry that para 4.4 of the guidelines on the Forest (Conservation) Act, 1980 regarding provisions involving forest as well as non-forest lands have been causing confusions leading to non-start of the project work even on the non-forest land. As the domain of applicability of the Forest (Conservation) Act, 1980 does not spread beyond the forest areas, therefore, it has been decided to issue a clarification on the provisions of para 4.4 of the guidelines as under -

The last sentence of para 4.4 which reads -

'... It has, therefore, been decided that if a project involves forest as well as non-forest land, work should not be started on non-forest land till approval of the Central Government for release of forest land under the Act has been given.'

is now substituted with

'...It has, therefore, been decided that if a project involves forest as well as non-forest land, it is advisable that work should not be started on non-forest land till approval of the Central Government for release of forest land under the Act has been given.'

So, the modified para 4.4 of the Guideline on Forest (Conservation) Act, 1980 shall now read as -

"4.4 Project involving Forest as well as Non-forest Lands

Some projects involve use of forest land as well as non-forest land. State Governments / project authorities sometimes start work on non-forest lands in anticipation of the approval of the Central Government for release of the forest lands required for the projects. Though the provisions of the Act may not have technically

been violated by starting of work on non-forest lands, expenditure incurred on works on non-forest lands may proved to be infructuous if diversion of forest land involved is not approved. *It has, therefore, been decided that if a project involves forest as well as non-forest land, it is advisable that work should not be started on non-forest land till approval of the Central Government for release of forest land under the Act has been given.*"

Yours faithfully,


(Umakant)

Assistant Inspector General of Forests

Copy to:-

1. The Secretary (Forests), All States / UTs
2. All PCCF/Nodal Officers (All States/UTs).
3. All Regional Offices.
4. All concerned officers of F.C. Division.
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard file.


(Umakant)

Assistant Inspector General of Forests

ANNEXURE-IV

The note of MEF dated 17th February, 2011 (PUC) regarding the reference to circular of 6th January, 2011 of FC Division pertaining to the para 4.4 of the Guidelines(F/X), which states that "if project involves forests as well as non-forest land, it is advisable that work should not be started on non-forest land till approval of the Central Government for release of forest land under the Act has been given" may be seen.

2. One of the reasons for issuing Show Cause Notice to M/s Jindal Power and Steel Limited (JSPL) in November, 2010 was due to non-compliance of the condition, which states that no construction activity at the project site shall be initiated till the approval for the 168.232 ha. of forest land is obtained under Forest (Conservation) Act, 1980.

3. It may be mentioned that M/s JSPL have obtained Stage-I clearance in March, 2010 and the final Stage-II clearance in October, 2010 under FC Act. The project proponent have also submitted that no work was started in the forest area before the final clearance.

4. Keeping in view the fact that the diversion of 168.232 ha. forest land has been approved, technically the decision would have been the same as the purpose of introducing the clause was to avoid the fait accompli situation.

5. It is, therefore, submitted that the final order issued on 10th February, 2011 may be maintained and that a close monitoring be ensured through Regional Office, Bhubaneshwar for total compliance of suggested safeguards.

Submitted please.

Nalini Bhat
(Nalini Bhat)
Adviser
22nd February, 2011

SS(JMM)

MOS (FC) E & F
Dy. No. 4450
Date: 22/02/2011

Special Secretary JMM
Dy. No. 511
Date: 22/2/11

811/Adv.(NB)
22/2/11

m/CF
Pl see (A). Do we have
corroboration for (B) from RCCF? (C)
may have to be kept in abeyance. J

Adv(NB) May Pl. see.
SS(JMM)

Nalini Bhat
22/2

22/2
Pl Adv
2
Sd/- (NB) J

(A)
This has been
withdrawn
status quo ante
restored
since
clearance
was
issued
without
my approval.
J
22/2

Ministry of Environment & Forests

I find that a very important revision of para 4.4 of the guidelines on Forest (Conservation) Act, 1980 regarding projects involving forests as well as non-forest lands has been issued on 6th January 2011, without obtaining my approval. This is completely unacceptable. I got to know about this only through newspapers. The change that has been made is significant and I should have been kept informed about this.

I would like this revision to be withdrawn immediately and await my further orders.



(Jairam Ramesh)

MOS (I/C) E&F

17.2.2011

DGF & SS

2

ANNEXURE-V

F. No. 2-1/2003-FC
Government of India
Ministry of Environment & Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110003
Dated: 17th February, 2011.

To

The Chief Secretary / Administrator,
All States and Union Territories.

Sub: Revision of para 4.4 of the guidelines on Forest (Conservation) Act, 1980
regarding projects involving Forest as well as Non-forest Lands.

Ref: Letter of even number dated 6th January, 2011.

Sir/Madam,

The revision of para 4.4 of the guidelines on Forest (Conservation) Act, 1980
issued under reference mentioned above stands withdrawn until further orders.

Yours faithfully,


(Umakant)

Assistant Inspector General of Forests

Copy to:-

1. PS to Hon'ble MoS (I/c), MoEF for information please.
2. PS to DGF&SS for information please.
3. The Secretary (Forests), All States / UTs
4. All PCCF/Nodal Officers (All States/UTs).
5. All Regional Offices.
6. All concerned officers of F.C. Division.
7. Monitoring Cell, FC Division, MoEF, New Delhi.
8. Guard file.


(Umakant)

Assistant Inspector General of Forests

ANNEXURE-VI

No. J-11011/365/2006-IA II (I)
Government of India
Ministry of Environment & Forests

.....

Paryavaran Bhawan
CGO Complex, Lodhi Road
New Delhi - 110 003

Dated 10th February, 2011

To

M/s Jindal Steel & Power Limited
Jindal Centre,
12, Bhikaji Cama Place
New Delhi - 110 066

Sub: Directions for the Show cause notice issued under Section 5 of the Environment (Protection) Act, 1986 for revocation of the environmental clearance in view of the non compliance to the conditions stipulated while according environmental clearance to the 6 MTPA Integrated Steel Plant and 1000 MW Captive Power Plant at Kerjang, Angul, Orissa by M/s Jindal Steel & Power Limited - regarding.

Whereas, environmental clearance for 6 MTPA Integrated Steel Plant and 1000 MW Captive Power Plant at Kerjang, Angul, Orissa was accorded to M/s Jindal Steel & Power Limited (JSPL) vide letter No. J-11011/365/2006-IA II (I) dated 22nd February, 2007 subject to stipulation of environmental safeguards; and,

2. Whereas, the Ministry while according prior environmental clearance stipulated the specific condition (xvi) : "no construction activity at the project site shall be initiated till the approval for the 168.232 ha forest land is obtained under the Forest (Conservation) Act, 1980 and subsequent amendments from the State/Central Government"; and,

3. Whereas the Divisional Forest Officer, Angul Division issued Show Cause notice on 6.7.2009 that the construction work like storage godown, roads, foundation for industrial activities like power plant, stockyard plant mill etc. have been undertaken on the non forest government land and you were directed to stop all the activities within the project area till forest clearance is obtained; and,

4. Whereas, a non-compliance was noted and a show cause notice was issued to M/s JSPL on 22nd November, 2010 as to why the aforesaid environmental clearance accorded on 22.2.2007 for 6 MPTA Integrated Steel Plant and 1000 MW Captive Power Plant should not be revoked;

5. Whereas, at the request of M/s JSPL, Ministry granted two weeks' time with effect from 14th December, 2010 for submission of the information in response to the show cause notice issued;

6. Whereas, the personal hearing took place at 3.00 P.M. on 29th December, 2010, the Minutes of the hearing are enclosed at Annexure-I and as decided in the

Keep
by hand
12/2/11

d/c Issued on
14/2/2011 by
Speed Post

meeting, certain additional documents sought have been submitted by M/s JSPL by 10th January, 2011; and

7. Whereas, information furnished by M/s JSPL vide letter dated 10th January, 2011 has been analyzed and following has been noted:

- (i) The company will use coal gasification technology, which is for the first time in the country. The technology envisages use of indigenous non-coking coal.
- (ii) Regarding captive coal based power plant, fuel linkages for four units of 135 MW has been obtained. Requirement for the balance two units will be met from the middling from washed coal of captive coal mine. It is further noted that COC of 5.2 will be attained. It is also noted that air cool condensers cannot be installed at this stage as selection of water cooled type condenser was done at the time of placement of order for main TG in 2008.
- (iii) To conserve the water, dry quenching shall be carried in the coke oven plant.
- (iv) To achieve particular emissions below 50 mg/m³, ESP will be installed.
- (v) M/s JSPL has obtained permission on 5th October, 2007 from the Central Ground Water Authority (CGWA) to use the ground water. The District Level Committee on Ground Water has decided to give clearance for ground water drawal in its meeting held on 3rd December, 2010. Further, it is also noted that as the water drawal will be less than 1000 m³/per day, no permission is required for ground water drawal from the safe area. This area is in the safe category as specified by the CGWA. The company is not drawing any water from Derjang dam.
- (vi) As regards 100% fly ash utilization, it will be utilized in the company's own cement plant, which is planned to be set up with capacity of 2 MTPA. Some of the fly ash will be used in brick manufacturing and back filling in the captive coal mine and abandoned coal mines and filling of low lying areas.
- (vii) The land area for the plant has been optimized from 2160 ha to 2016 ha. About 33% of the plant area will be brought under green belt.
- (viii) M/s JSPL had signed an MoU with the State Government of Orissa on 3rd November, 2005 for setting up of 6 MTPA steel plant and captive power plant. The company has acquired about 1500 ha. of land and rehabilitated about 160 families besides setting up of vocational training institute which is in operation for the last three years. A number of CSR activities have been taken up which inter-alia include construction and renovation of Schools, organization of medical health camps, income generation schemes, distribution of solar lights and solar panels etc.

8. Whereas, in regard to the proposal for diversion of 168.232 ha. of forest land in Angul district, Orissa for the establishment of integrated steel plant by M/s JSPL was accorded Stage - I forest clearance in March, 2010 subject to fulfillment of

various conditions. Subsequently, the final clearance was accorded under Section 2 of the Forest (Conservation) Act, 1980 on 28th October, 2010.

9. Whereas, a circular has been issued by the Ministry on 6th January, 2011 revising para 4.4 of the Guidelines on Forest(Conservation) Act regarding projects involving forests as well as non-forest land. As per this circular, it has been decided that if a project involves forest as well as non-forest land, it is advisable that work should not be started on non-forest land till approval of the Central Government for release of forest land under the Act has been given.

10. Now, therefore, based on the response provided by M/s JSPL in response to the show cause issued by the Ministry vide letter dated 22nd November, 2010, personal hearing held on 29th December, 2010 and additional documents submitted by you and analysis made by the Ministry, the competent authority has approved that the following directions would be given in accordance with the Section 5 of the Environment(Protection) Act, 1986 read with Rule 4 of the Environment(Protection) Rule, 1986 :

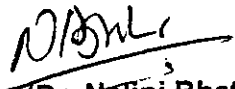
- (I) M/s JSPL shall install the coal gasification technology using non-coking coal for the coke oven plant. The company shall adopt the dry quenching of coke to conserve water and mitigate pollution.
- (II) The fly ash generated from various activities shall be used in the cement manufacturing, brick manufacturing and in back filling of mined out area after ascertaining its suitability through a scientific study. The company shall not use the fly ash in filling of low lying area as proposed in the information submitted.
- (III) While also implementing CSR related programmes during the construction phase, the company shall earmark 2% of the net profit as CSR budget towards corporate social responsibility. Item-wise details of expenditure proposed on specific need based programmes identified towards this end with time bound execution schedules shall be prepared and submitted to the Ministry's Regional Office at Bhubaneswar.
- (IV) The company shall undertake continuous monitoring of ambient air quality and stack emissions in respect of PM₁₀, SO₂, NO_x and mercury. The monitored data shall be displayed on the company's website as well as at important public places.
- (V) The water conservation measures shall be adopted in the steel plant as well as the captive power plant by increasing the COC of 5.2. The drawal of water from the Derjang dam shall be avoided and rain harvesting measures shall be undertaken to recharge the ground water as well as use of the rain water harvested by constructing a water reservoir.
- (VI) The energy conservation measures for integrated steel plant should be introduced with available best international practices and with details may be submitted to the Ministry in this regard.

11. The company shall comply with all the conditions stipulated vide letter of even No. dated 22nd February, 2007 and subsequently, in a letter dated 14th November, 2008.

12. In case of change in the scope of the project, the company shall inform the Ministry for necessary action.

13. In case of non-compliance of the above directions, the Ministry will be constrained to take necessary action under various provisions of the Environment (Protection) Act, 1986.

This issues with the approval of the Competent Authority.


(Dr. Nalini Bhat)
Scientist 'G'

Encl: As above

Copy to:

1. The Secretary (Environment), Government of Orissa, Bhubaneswar.
2. The Chairman, Orissa State Pollution Control Bhawan, A-118, Neelkanta Nagar, unit (viii), Bhubaneswar.
3. The Chairman, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi – 110 032.
4. The Chief Conservator of Forests, Ministry of Environment & Forests, Eastern Regional Office, A/3, Chandrasekharapur, Bhubaneswar – 751023.
5. Scientist 'F' (Monitoring Cell)/Monitoring File/Guard File
6. Website, MoEF.


(Dr. Nalini Bhat)
Scientist 'G'

MINUTES OF THE HEARING HELD AT 3.00 P.M. ON 29.12.2010 IN ROOM NO. 403, 4TH FLOOR IN THE MINISTRY OF ENVIRONMENT AND FORESTS ON THE CLARIFICATIONS FURNISHED IN RESPONSE TO THE SHOW CAUSE NOTICE DATED 22.11.2010 BY M/S JINDALS STEEL & POWER LIMITED (JSPL), FOR 6 MTPA INTEGRATED STEEL PLANT AND 1000 MW CAPTIVE POWER PLANT AT KERJANG, DIST. ANGUL, ODISHA.

The Ministry of Environment & Forests issued a show cause notice on 22nd November, 2010 to M/s Jindal Steel & Power Limited (JSPL) under Section 5 of the Environment (Protection) Act, 1986 for 6 MTPA Integrated Steel Plant and 1000 MW Captive Power Plant for non compliance to the conditions stipulated while according environmental clearance on 22nd February, 2007 by starting construction activity on the non forest Government Land.

2. M/s JSPL vide their letter No. JSPL/ANGUL/MOEF/2010 dated 07th December, 2010 requested the Ministry to grant one month time for furnishing the reply due to certain reasons. The Ministry vide letter dated 14th December, 2010 granted extension of two weeks time with effect from 14th December, 2010 including the personal hearing. They were asked to file the response by 22nd December, 2010 and hearing was fixed on 29th December, 2010.

3. The hearing took place at 3.00 pm on 29.12.2010. Dr. Nalini Bhat, Scientist 'G' heard the matter. Dr. P.L. Ahujarai, Scientist 'F', Dr. N.L.N.S Prasad, Scientist 'F', Regional office, Bhubaneswar, MoEF, Shri H.C Chaudhary, AIG (FC) and Shri Ramesh Motipalli, Scientist 'C' were also present during the hearing.

4. From M/s JSPL, the following officers attended the hearing:

- (i) Shri S. K. Sharma, GM. (L&A)
- (ii) Dr. J.K. Soni, AVP (Environment)
- (iii) Shri Rajesh Kumar Jha, ED, JSPL
- (iv) Shri R.S. Sharma, MD, JPL
- (v) Shri Anand Goel, Joint M.D. JSPL
- (vi) Shri Bharat Rohra, Ex. V.P, JPL
- (vii) Shri Jagat Parija, Vice President, JSPL

5. Initiating the hearing, Dr. Nalini Bhat, Scientist 'G' informed the representatives of M/s JSPL that the purpose of the hearing is to discuss the issues in response to the show cause notice issued by the Ministry. M/s JSPL were informed that the above show cause notice was issued based on the representations received by MoEF. The Ministry has received submissions made by you and at your request personal hearing has been given. She further informed them that any additional document required will need to be provided by you. M/s JSPL were asked to give their reply/clarifications in form of presentation or oral submissions.

6. The response of M/s JSPL on the issues /clarifications include the following:

- The environmental clearance was accorded on 22nd February, 2007 and an amendment to the environmental clearance was issued on 14th November, 2008.

- M/s JSPL informed that a MoU was signed with Orissa State Govt. on 3rd November, 2005 for the above project. As per the MoU, the plant was to be commissioned within a time period of six years.
- Cost of the project is about Rs. 25,000 crores and would give direct employment to 6,000 persons and indirect employment to 18,000 persons.
- The total project area is 2,016 ha of which, 168.232 ha is forest land which is 8% of the total plant area. The forest area is in 33 patches which has been fenced.
- This is for the first time in the Country wherein State-of-the-art Eco-friendly technology is being installed in the plant which would result in very low CO₂ emissions. The gasifier technology for coal gasification is an advance technology from South Africa. The DRI would run on the gas generated from the coal gasification.
- Dry quenching is proposed for the coke oven plant. Firm coal linkage is available for CPP. The total CPP capacity is 1156 MW with a breakup of CFBC-1080 MW (8X135 MW), WHRB-62 MW and 14 MW from the TRT (Top Gas Recovery Turbine) i.e. power generated from potential energy/ pressure Energy.
- The land acquisition is in progress. By the year 2008 about 1,000 ha of land area was acquired and as on date about 1550 ha of area is in their possession and 450 ha of land area is yet to be acquired. Out of 663 ha of land area to be developed under green belt, as on date 50 ha of area has been brought under green belt. Entire 663 ha of area would be under green belt by the date of commissioning of the plant. The tentative period of commissioning would be in the year 2015.
- About 435 families are to be displaced from the project site. 165 families have been shifted at a distance of 3 km from the project site. The company has undertaken a number of CSR activities which involve community development, women empowerment programme by means of income generating programme, provision of sustainable livelihood and setting up of schools etc.

7. Specific to the show cause notice issued, M/s JSPL informed that they had applied for forest clearance in the year 2006 and the Forest Advisory Committee meeting took place in year 2008. The Stage-I Forest Clearance under the Forest (Conservation) Act, 1980 was obtained on March 30, 2010 and Stage-II Clearance under the Forest (Conservation) Act, 1980 has been obtained on October 28, 2010. The forest patches have not been touched at all.

8. The MoU signed with Orissa State Govt. had a condition that within 3 years, the land acquired has to be utilized. Engagement/employment of the land oustees is a big issue. There are 6 villages in the project site and a number of them on the periphery of the project site. A kuccha road has been laid in the non-forest land, to convey machinery which had arrived. Temporary constructions have been made to protect the machinery from being affected by the weather or from its parts being stolen. The kuccha road is also used by the villagers.

9. Additionally, M/s JSPL submitted that insertion of condition (xvi) in the environment clearance regarding "no construction activity at the project site shall be initiated till the approval for the 168.232 ha forest land is obtained under the Forest (Conservation) Act, 1980 and subsequent amendments from the State/Central Government" appears to be based on Clause 4.4 of Chapter 4 of the Handbook

issued by the Ministry. The interpretation of Clause 4.4 by M/s JSPL include the following:

- (i) That the provisions of the Forest (Conservation) Act are not violated by starting construction works in non-forest land, and
- (ii) That this clause is only intended to prevent the expenditure involved from proving "to be infructuous if diversion of forest land involved is not approved" as is also evident from plain reading of said Office Memorandum dated 02.12.2009 of the Ministry of Environment & Forests.
- (iii) As there may be no violation of the Forest (Conservation) Act, 1980 as pointed out in Clause 4.4, and as it is intended to protect the expenditure from becoming infructuous and in view of the fact that the forest clearance has been given in regard to both Stages-I and II, it is submitted that no case for withdrawal of the environmental clearance arises.

10. The Regional Office of the MoEF at Bhubaneswar visited the site on 21st December, 2010. Certain observations have been made in the report. Further, one more representation has been received by the Ministry expressing concern regarding impact of drawl of water on the agriculture crops. Based on the submissions made by the proponent, observations made in the site inspection report and representations received, the following additional information / clarification was sought from M/s JSPL by 10th January 2011.

- Chronology of details of activities undertaken from February, 2007 to October, 2010 in the non forest land and proof that no activity was undertaken in the forest land.
- The activities undertaken shall also be shown on the location map.
- Clarification on the representation received by MoEF w.r.t. drawl of ground water and hence depriving the local people. A copy of the permission obtain for ground water drawl shall be submitted. Further, water is to be drawn from the Derjang Dam. Impact on the neighboring village due to drawl of water vis-à-vis mitigation measures shall be submitted.
- A detailed note on Water Conservation measures including installation of Air Cooled Condensers and COC more than 5 for the Captive Power Plant.
- Commitment for dry quenching in the coke oven plant
- Commitment / feasibility for control of Particulate emissions <math>< 50 \text{ mg/Nm}^3</math>.
- Action plan for management of solid waste.
- The commitment regarding "that 663 ha of plant area will be covered under green belt before the operation of the plant.

ANNEXURE-VII

By Registered Post

No. J-11011/365/2006-IA.II (I)
Government of India
Ministry of Environment & Forests

Paryavaran Bhawan,
C.G.O. Complex, Lodi Road,
New Delhi – 110 003

Dated the 21st March, 2011

To

The Secretary (Environment),
Government of Orissa,
Orissa Secretariat, Bhubaneswar-751001
Orissa

Subject: 6 MTPA Integrated Steel Plant and 1000 MW Captive Power Plant at Kerjang, Angul, Orissa by M/s Jindal Steel & Power Limited - regarding.

Sir,

The undersigned is directed to refer to this Ministry's letter of even no. dated according environmental clearance to the above project on 22.02.2007 and subsequent communications dated 22.12.2010 issuing show cause notice for non-compliance and the final Directions under section 5 of the Environment (Protection) Act, 1986 on 10.02.2011.

2. It is noted that M/s JSPL started construction activity on the non forest land without obtaining prior forestry clearance under the Forest (Conservation) Act, 1980, which is not consonance with the environmental clearance accorded to the project vide letter of even no. dated 22.02.2007 and the provisions of the Environment (Protection) Act, 1986.

3. In the light of the forgoing, the undersigned has been directed to request you to initiate action against the above unit by invoking powers under Section 19 of the Environment (Protection) Act, 1986 and intimate the Ministry about the action taken soon.

Yours faithfully,


(Dr. P.L. Ahujarai)
Director

Copy to:

1. The Chief Conservator of Forests, Regional Office (EZ), Ministry of Environment and Forests, A-3 Chandrashekharpur, Bhubaneswar-751023.
2. The Chairman, Orissa State Pollution Control Board, Parivesh Bhawan, A/118 Nilakantha Nagar, Unit-VIII, Bhubaneswar-751012.
3. Monitoring file / Guard File.


(Dr. P.L. Ahujarai)
Director

ANNEXURE-VIII

F. No. 2-1/2003-FC
Government of India
Ministry of Environment & Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110003
Dated: 21st March, 2011.

To

The Chief Secretary / Administrator,
All States and Union Territories.

Sub: Revision of para 4.4 of the guidelines on Forest (Conservation) Act, 1980 regarding projects involving Forest as well as Non-forest Lands.

Ref: Ministry's letter of even number dated 6th January, 2011 and withdrawal of the same vide dated 17th February, 2011.

Sir/Madam,

Consequent upon withdrawal of Ministry's letter dated 6th January, 2011 regarding revision for para 4.4 of the guidelines on Forest (Conservation) Act, 1980 pertaining to projects involving forests as well as non-forest lands, I am directed to reiterate that the status-quo on the guideline is being restored.

Therefore, the para 4.4 of the Guideline on Forest (Conservation) Act, 1980 shall finally be read as reproduced below –

“4.4 Project involving Forest as well as Non-forest Lands

Some projects involve use of forest land as well as non-forest land. State Governments / project authorities sometimes start work on non-forest lands in anticipation of the approval of the Central Government for release of the forest lands required for the projects. Though the provisions of the Act may not have technically been violated by starting of work on non-forest lands, expenditure incurred on works on non-forest lands may prove to be infructuous if diversion of forest land involved is not approved. ***It has, therefore, been decided that if a project involves forest as well as non-forest land, work should not be started on non-forest land till approval of the Central Government for release of forest land under the Act has been given.***”

Yours faithfully,

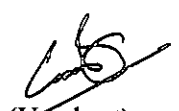


(Umakant)

Assistant Inspector General of Forests

Copy to:-

1. The Secretary (Forests), All States / UTs
2. All PCCF/Nodal Officers (All States/UTs).
3. All Regional Offices.
4. All concerned officers of F.C. Division.
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard file.



(Umakant)

Assistant Inspector General of Forests