By Speed Post/Online

No. J-11015/888/2007-IA.II(M)
Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division
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Indira ParyavaranBhavan,
Aliganj, Jor Bag Road,
New Delhi-110 003

Dated: 7th September, 2018

To,

M/s Tata Steel Limited
Jeevan Bharti Building, Tower I
10th Floor, 124 Cannaught Circus,
New Delhi-110001
Tel. No.: 011-23327072; FaxNo.: 011-23326265
Email: gm.office@tatasteel.com

Sub.: Kondbond Iron Ore and Manganese Ore Mining Project along with Beneficiation Plant of M/s Tata Steel Limited, located at village-Khondbandh, Tehsil-Barbil, District-Keonjhar, Odisha (MLA: 978ha)-Amendment in EC w.r.t. Run of Mine (ROM).

Ref: (i) Online Proposal no. IA/OR/MIN/9648/2007
(ii) Environmental Clearance vide No. J-11015/888/2007-IA. II (M), dated 21.12.2011.

Sir,

This has reference to your online application for amendment in Environmental Clearance vide no. J-11015/888/2007-I.A. II (M), dated 21.12.2011 w.r.t. **Run of Mine (ROM)**. The mine is located at village-Khondbandh, Tehsil-Barbil, District-Keonjhar, Odisha in Mine lease are of 978ha.

2. The Ministry has granted the Environmental Clearance vide letter no. J-11015/888/2007-I.A. II (M), dated **21.12.2011** for production capacity of **8.0 Million TPA of Iron Ore (ROM) and 0.1 Million TPA** of Manganese Ore (ROM) along with setting of Iron ore beneficiation plant with a capacity of 8.0 million TPA throughput in the mine lease area of **978ha**.

3. The proposal was earlier considered by the EAC in its meeting held during **October 23-24, 2017** wherein the Committee deliberated on the proposal and sought the opinion of the representative of Ministry of Mines (an EAC Member) on the issues of change in ROM definition. The Expert Member (representative of Ministry of Mines) apprised the Committee that the term 'Run of Mines (ROM)' is a basic terminology in mining and invariably used in mining plans prepared for various mines. However, this term has been recently defined under Mineral (Other than Atomic and Hydrocarbon Energy Minerals) Concession Rules 2016 (MCR, 2016) and as such there is no change in the essence of ROM being used earlier (before defining it in MCR 2016) in Mining Plans and the definition incorporated recently in

MCR 2016. Hence, there is no Modified Definition of ROM introduced in MCR 2016. The application made by the applicant, requesting MoEFCC to issue Corrigendum to ECs issued to it in the instant as well as earlier proposals in view of Modified Definition of ROM introduced in Mineral (Other than Atomic and Hydrocarbon Energy Minerals) Concession Rules 2016, is not tenable. In view of the above, the Committee made detailed deliberations on the proposal and noted that the matter related to definition of ROM is a basic issue related to a mining statute viz. MCR, 2016 which is notified by Ministry of Mines. Hence, the applicant should have obtained clarification on the issue from the administering Ministry viz. Ministry of Mines or its technical body namely, Indian Bureau of Mines, as the case may be, before applying for EC amendment or corrigendum. In view of the above, the Committee suggested that the earlier proposal may also be kept on hold till clarity emerges on the issue. The instant proposals (3) along with earlier proposal of Joda East Mine lease, Odisha of M/s Tata Steel Limited were deferred.

4. The Project Proponent, vide letter dated 30.08.2017, has submitted the application for amendments in the EC. Project proponent mentioned that Ministry of Mines vide GSR No. 279(E) dated 04.03.2016 has notified the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016 wherein the 'run-of-mine' has been defined which means that the raw unprocessed or uncrushed material in its natural state obtained after blasting or digging, from the mineralized zone of lease area. Project proponent mentioned that as per this definition of ROM, all material excavated out of the mineralized zone of the lease area, becomes ROM which includes the plant feed, subgrade, mineral rejects, waste etc. Therefore, the ambit of the term ROM, as per this new definition is wider than the understanding with which it was referred in the Mine Pan and the EIA documents. Hence, the capacity mentioned in the EC in terms of ROM also needs to be corrected in order to enable to operate at the same level.

5. Project Proponent has also mentioned that the environmental clearance dated 21.12.2011 has been granted on the basis of EIA/EMP Report and approved mine plan/mining scheme by Indian Bureau of Mines on 31.03.2009. The details of finished products, ROM, reject, waste and total excavation are provided year-wise and as below in tables: -

Table: Year-wise ROM and development (Iron part) (in Million Tonnes)

Year	Finished Products	ROM	Reject	Waste	Total Excavation
2008-09	5.20	7.06	0.52	4.73	12.32
2009-10	5.20	7.08	0.51	2.56	10.15
2010-11	6.00	8.03	0.73	3.11	11.88
2011-12	6.00	8.01	0.37	3.80	12.18
2012-13	6.00	8.02	0.29	2.42	10.73

Table: Year-wise ROM and development (Mn part) (in Metric Tonnes)

Year	Production	Mineral Rejects	ROM	Sub grade Minerals	OB	Total Excavation
2008-09	36000	2160	38160	7920	130972	177052

2009-10	50000	3000	53000	11000	119722	183722
2010-11	75000	4500	79500	16500	107316	203316
2011-12	80000	4800	84800	17600	107316	209716
2012-13	100000	6000	106000	22000	107316	235316

6. The project proponent submitted the mining plan including total excavation. The amended environmental clearance would be in line with the excavation plan given for approval. Project Proponent also mentioned that there would be no increase in area, no change in technology, no increase of production capacity, and no increase in the Pollution Load due to the requested amendments as there would be no deviation from the excavation plan and the Environment Protection and mitigations are in place for the Total Excavation of 12.18 MTPA (Iron Ore) and 2,35,316 TPA (Mn Ore) which was duly considered by the EAC while granting the Environmental Clearance.

7. Project Proponent reported that the Consent to Operate has been granted by the SPCB, vide Order No. 16275/IND-I-CON-1127, dated 09.11.2016. Mining Plan/Scheme of Mining has been approved by Regional Controller of Mines, IBM, Bhubaneswar, vide letter No. MS/FM/17-ORI/BHU/2017-18/2010, dated 09.11.2017. Stage-II Forest Clearance over 453.150 ha has been granted by the Ministry vide letter no. F.No.8-98/2004-FC, dated 09.08.2006.

8. Project Proponent reported that the mine is in operation since 1972 and mentioned that presently the mine is in operation with due compliance of the Hon'ble Supreme Court Order dated 02.08.2017 in W.P.(C) No-114/2014. The details are as follows:

S. No.	Issue	PP's submission
1.	Compliance of Order dated 02.08.2017 in CWP no. 114/2014 of Hon'ble Supreme Court.	In compliance to the order of the Hon'ble Supreme Court on dated 02.08.2017 in WPC No. 114/2014, the project proponent has paid the compensation amount of Rs.84,01,49,601/- (Rupees Eighty Four crores one lakhs forty nine thousand six hundred one only) on date 22.12.2017 being the price thereof as compensation under Section 21(5) of MMDR Act, 1957 for alleged production without/in excess of the Environmental clearance as rationalised by the CEC as per the demand Notice No. 4136/Mines dated 02.09.2017 issued by the Deputy Director of Mines, Joda Circle, Dist. -Keonjhar.
2.	Details of demand if any raised by Dept. of Mining and Geology, Govt. of Odisha.	Demand was raised by the Deputy Director of Mines, Joda Circle, Dist.–Keonjhar, vide letter No. 4136/ Mines dated 02.09.2017 amounting Rs.84,01,49,601/- (Rupees Eighty-Four crores one lakhs forty-nine thousand six hundred one only) on or before 31.12.2017 in pursuance to the para 225 of the Order dated 02.08.2017 of Hon'ble Supreme Court in WPC No. 114/2014.
3.	Details of payment, if	Payment has been done by the project proponent with

	any made to Dept. of Mines and Geology, Govt. of Odisha.	an amount of Rs.84,01,49,601/- (Rupees Eighty-Four crores one lakhs forty-nine thousand six hundred one only) on date 22.12.2017 through net banking vide transaction reference number 425514255 paid through HDFC Bank.
4.	Validity of mine lease.	Lease period has been extended upto 31.03.2030 vide letter No. III (A) SM-01/2004/3315/S&M, Bhubaneshwar dated 18.04.2015 issued by department of Steel & Mines, Govt. of Odisha in compliance with MMDR Amendment Act 2015
5.	Status of Mine whether working or not	This is a working mine.
6.	Details of the past production of mines since its inception, duly authenticated by Dept. of Mines and Geology, Govt. of Odisha.	The year wise production figures from 1993-94 has been provided by the PP.

9. Based on the recommendation of the EAC, the Ministry, vide letter dated 14.12.2017, has requested the Ministry of Mines and IBM to provide the clarifications/comments as sought by the EAC. In this regard PP vide letter dated 18.04.2018 has requested to expedite the amendment proposal of EC and also submitted the comments of IBM vide their letter dated **07.02.2018**. The IBM had endorsed the letter to Ministry of Mines. The **IBM** has submitted the following comments: -

(i). It is to clarify that it is incorrect to conclude that the definition of Run of Mine (ROM) has been changed consequent to its definition in Mineral (Other than Atomic and Hydrocarbons Energy Minerals) Concession Rules, 2016.

(ii). The Run of Mine (ROM) is a general term used in Mining field adopted to indicate the material handling from the mineralized zone.

(iii). ROM is defined in Mineral (Other than Atomic and Hydrocarbons Energy Minerals) Concession Rules, 2016 as under: - "Run-of-Mine (ROM) means the raw un processed or uncrushed material in its natural state obtained after blasting or digging from the mineralized zone of lease area", this includes the saleable ore mined after processing, intercalated waste (the gangue minerals within the mineralized zone) and mineral rejects/subgrade mineral.

(iv). However, it is pragmatic to consider total rock excavation from the point of view of Environmental Clearance, rather than the production of saleable fraction of ore or the ROM (the blasted material from ore zone inclusive of mineral reject, intercalated waste or gangue minerals, if any).

(v). It is also clarified that total rock excavation may differ to generate same amount of ROM on year to year bases.

(vi). During the approval of Mining Plan, the total excavation including ROM ore from which saleable fraction is produced are taken into consideration.

(vii). IBM has concluded that it will be appropriate to accord Environmental Clearance based on the maximum total volume/tonnage of excavation or rock handling for the period under consideration.

10. Based on the comments of IBM, the proposal was reconsidered by the EAC in its meeting held during **June 21-22, 2018 wherein** the Committee is of the view that the EC was granted based on the EIA/EMP Report and approved mining plan wherein the details of production of ore, mineral rejects, ROM, Sub-grade minerals, overburden and total excavation were mentioned. EAC noted that there would be no increase in area, no change in technology, and no increase of production capacity envisaged as reported by the Project Proponent, accordingly the Committee **recommended** the proposal for **inclusion of following para** in the EC letter,

> **"The Committee clarified that there is no change in the definition of ROM and the Environmental Clearance was granted for 8.0 Million TPA of Iron Ore (ROM) and 0.1 Million TPA of Manganese Ore (ROM) as mentioned in EIA/EMP Report and approved mining plan. The PP shall handle the material other than ROM as per approved mining plan and EIA/EMP report submitted to the Ministry".**

11. The Committee also noted that the project proponent has submitted the details of the past production of mines which is not duly authenticated by Dept. of Mines and Geology, Govt. of Odisha. In this regard the Project Proponent shall submit the details of the past production since inception of mines duly authenticated by Dept. of Mines and Geology, Govt. of Odisha and compliance of Ministry's OM dated 30.05.2018. In this context, PP has submitted the production details of the mine and affidavit dated 20/06/2018. The matter was examined based on the production details submitted by Deputy Director Mines, Joda Circle, District: Keonjhar, Odisha vide their Memo no. 3141/ Mines, dated: **12.07.2018** and it is noted that **PP has not enhanced the production details after grant of EC on 21.12.2011.** The PP has submitted the affidavit dated **20.06.2018[P-1809/c]**in compliance of Ministry's O.M. dated 30/05/2018. The undertaking inter-alia mentioned that "Tata Steel Limited would comply with all the statutory requirements and Judgement of Hon'ble Supreme Court dated 2nd August, 2017 in the Writ Petition (Civil) No 114 of 2014 in the matter of Common Cause versus Union of India and Ors. with respect to Khondbond Iron & Manganese Mine owned and operated by it."

12. The matter has been examined in the Ministry and the said EC of M/s Tata Steel Limited of even no. dated 21.12.2011is hereby amended w.r.t. Run of Mine (ROM) and included the following para, "The Committee clarified that there is no change in the definition of ROM and the Environmental Clearance was granted for 8.0 Million TPA of Iron Ore (ROM) and 0.1 Million TPA of Manganese Ore (ROM) as mentioned in EIA/EMP Report and approved mining plan. The **PP** shall handle the material other than ROM as per approved mining plan and EIA/EMP report submitted to the Ministry". located in Village Khondbandh, Tehsil Barbil, District Keonjhar, Odisha along with following specific condition as below:

(i) **This Environmental Clearance will not be operational till such time the Project Proponent complies with all the statutory requirements and**

judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors..

(ii) **Department of Mining & Geology, State Government shall ensure that mining operation shall not commence till the entire compensation levied, for illegal mining paid by the Project Proponent through their respective Department of Mining & Geology in strict compliance of judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors.**

(iii) Monitoring of Ambient Air Quality to be carried out based on the 2009 Notification, as amended from time to time by the Central Pollution Control Board.

(iv) The pollution due to transportation load on the environment will be effectively controlled & water sprinkling will also be done regularly. Vehicles with PUCC only will be allowed to ply. The mineral transportation shall be carried out through covered trucks only and the vehicles carrying the mineral shall not be overloaded. Project should obtain 'PUC' certificate for all the vehicles from authorized pollution testing centre; Washing of all transport vehicle should be done inside the mining lease.

(v) The activities and budget earmarked for Corporate Environmental Responsibility (CER) shall be as per Ministry's O.M No 22-65/2017-IA. II (M) dated 01.05.2018 and the action plan on the activities proposed under CER shall be submitted to the Regional Office of the Ministry and State Pollution Control Board.

13. All other terms and conditions mentioned in this Ministry's EC letter no.**J-11015/888/2007-I.A. II (M)** dated **21.12.2011** shall remain the same.

14. This issues with the approval of the Competent Authority.

Yours faithfully,

(Dr. R. B. Lal)
Scientist 'E'/Addl. Director

Copy to:

1). **The Secretary**, Ministry of Mines, Government of India, ShastriBhawan, New Delhi
2). **The Secretary,** Department of Environment, Government of Odisha, Secretariat, Bhubaneswar.
3). **The Secretary,** Department of Mines and Geology, Government of Odisha, Secretariat, Bhubaneswar.
4). **The Secretary,** Department of Forests, Government of Odisha, Secretariat, Bhubaneswar.
5). **The Chairman**, Central Pollution Control Board, PariveshBhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032.

6). **The Chief Wildlife Warden** of State Government of Odisha, Bhubaneswar.
7). **The Additional Principal Chief Conservator of Forests (C),** Ministry of Environment, Forest and Climate Change, Regional Office (EZ), A/3, Chandersekharpur, Bhubaneswar – 751023.
8). **The Member Secretary,** Odisha State Pollution Control Board, PariveshBhawan, A/118 Nilakantha Nagar, Unit-VIII, Bhubaneshwar-751012.
9). **The Controller General,** Indian Bureau of Mines, Indira Bhavan, Civil Lines, Nagpur-440 001.
10). **The Member Secretary,** Central Ground Water Authority, A2, W3 Curzon Road Barracks, K.G. Marg, New Delhi-110001.
11). **The District Collector,** District- Keonjhar, State of Odisha.
12). **Guard File**.
13). **MoEF&CC Website.**

(Dr. R. B. Lal)
Scientist 'E'/Additional Director