GOVERNMENT OF ODISHA
STEEL & MINES DEPARTMENT

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RESOLUTION

No. 12793 **/S&M,Bhubaneswar , dated the** 21/12/2023

SM-MC3-MISC-0080-2023

Sub: Guidelines for regulating the sand quarrying in the State.

The Odisha Sand Policy 2021 has been published by the Revenue and Disaster Management Department vide their Resolution No. 26372/ R & DM, Bhubaneswar, dated 02 September, 2021. Subsequently the administration of Minor Minerals including River Sand Mining has been transferred to Steel & Mines Department. Instructions and guidelines have been issued by the Government from time to time for scientific and systematic quarrying, and for the prevention of illegal mining of minor minerals including sand. Odisha Sand Policy, 2021 is a step in this direction to systematise the process of river sand mining and ensure scientific and sustainable sand mining in the State. In order to streamline the process of sand mining in the State, it was felt necessary to adopt a holistic process-chain with sustainable and scientific mining and management of sand mining with IT-enabled monitoring of its movement from the source to the end user. However it has been observed that the mandate of Odisha Sand Policy is yet to be translated into effective implementation at various places in the State. In this context, in continuation to various guidelines issued by the Department in the past, the following guidelines are issued for effective implementation of the Odisha Sand Policy, 2021.These guidelines provide a procedural framework and modalities for the implementation of the components of Odisha Sand Policy 2021. These are in accordance to the provisions of Sustainable Sand Mining Management Guidelines, 2016", "Enforcement & Monitoring Guidelines for Sand Mining, 2020" and directives issued by the Hon'ble NGT from time to time and in the lights of directions in the judgment of the Hon'ble Supreme court, including in Deepak Kumar Vrs State of Haryana and Others (2012) 4 SCC 629 and Goa Foundation Vrs Union of India & Others (2014) 6 SCC 590.

1. Demand Supply Estimation:

Scientific demand-supply estimation and the resultant gap assessment shall be prepared for every district every year which can help for allocation of sand from surplus districts to meet the need of deficit districts, adoption of business models and framing of policy for alternatives of sand, if in short supply.

a. All public authorities carrying out projects within the district will intimate by end of February every year to the Mining Officer consumption of sand in the financial year including estimated consumption to be made till the end of the year and the projected consumption during the next financial year.

b. Every year, by the end of February the Mining Officers shall report to the Deputy Director of Mines the production capacity of all the operational and operable sand sources in their Districts (source-wise). At the district level, assessment of the annual supply position of sand in the district will be made on such report for the next financial year. This will be done by the end of March.

c. Demand-Supply estimation as above and resultant gap analysis along with the action plan to meet the deficit, if any, from the adjoining surplus district(s) (if the district is a sand deficit district) shall be made in the month of March by a district level committee under the chairmanship of the Collector with following members:

- Project Director DRDA
- Executive Engineers of WR and other Engineering Departments
- All Sub-Collectors of the district
- Deputy Director, Mines
- Mining Officer (Convenor)
- Joint/Deputy Director, Geology of the zone
- Executive Officers of ULBs.
- Special invitee/ Public Authority, if any decided by the Collector.

d. Demand -Supply estimation, gap analysis and action plan to meet sand deficit, if any shall be intimated by the Deputy Director of Mines to the Directorate of Minor Minerals, Department latest by end of March.

e. The Directorate of Minor Minerals will make an analysis of the district-wise demand- supply position, gap analysis and action plan to meet the deficit, if any and approve the allocation of sand from surplus districts to deficit districts with modification, if any required. From the district Demand-Supply estimation and gap analysis reports the Director, Minor Minerals will draw up the State Demand-Supply estimation and gap analysis and if, necessary shall propose the provision of alternatives of sand to meet the deficit situation, if any.

f. Demand for successive five years may be projected and incorporated in the District Survey Report (DSR) prepared by Sub-Divisional Committee.

2. <u>Identification of sources:</u>

Identification of sand sources shall be carried out in the following manner:

a. A regular annual exercise shall be carried out by the Committee headed by the Mining Officers with officers from Water Resources Department, State Pollution Control Board, Forest Department, Steel and Mines Department, in

December & January to identify the potential sand sources. The guidelines issued in this context vide MoEF& CC notification dated 25th July 2018(preparation of DSR) may be adhered to.

b. After identification of sources recommendation of the committee shall be submitted to the District Collector along with a location map, geological resource potential, and feasibility report.

c. Emphasis should be given to identify large stretches of rivers and beds exceeding 5 Hectares as sand sources for scientific and sustainable sand mining.

d. The mining lease area should be so selected as to cover the entire deposition area excluding the safety zones. Dividing a large area of deposition into smaller mining leases should be avoided as it promotes illegal and unscientific mining and causes revenue loss to the State.

e. Transportation route with its carrying capacity to be selected in such a way that the movement of vehicles through the villages/ habitation can be avoided to the extent possible.

f. All such identified sources will be demarcated in the field with posting of pillars on the boundary and shall be made part of the District Survey Report (DSR) prepared by the Sub-Divisional Committee.

g. Instructions regarding the preparation of DSR issued vide Steel & Mines Department Letter No. 10684/S&M dated 25.10.2023 shall be followed.

h. Fixation of Minimum Guaranteed Quantity (MGQ) of the sources shall be duly approved by the Controlling Authority. It should be done as per the instructions issued by the Department from time to time.

3. DGPS Survey of sand sairat sources:

a. After completion of pillar posting of a source, the competent authority shall submit a requisition along with the cadastral map of the source to Odisha Space Application Centre (ORSAC) and upon requisition, ORSAC shall take up the Differential Global Positioning System (DGPS) survey of the source boundaries.

b. The Deputy Director of Mines shall review the status of DGPS Survey of sources on monthly basis and submit it to the Directorate of Minor minerals and the Department.

4. Quarrying Operation:

The Operation of sand quarries should be carried out strictly in adherence to the applicable provisions of law and the related guidelines and executive instructions. In this regard the following measures are specifically to be ensured.

a. Environment Clearance for grant of quarry lease.

Environment Clearance as applicable under the provisions of the Environment (Protection) Act 1986 shall be obtained from SEIAA by the lessee/Competent Authority before operationalization of sources. Also the lessee is responsible for the implementation of the Environment Management Plan (EMP).

b. The lessee shall obtain Consent to Establish (CTE) & Consent to Operate (CTO) of such mine from State Pollution Control Board under the provisions of sections 25/26of the Water (Prevention and Control of Pollution) Act, 1974 and section 21 of the Air (Prevention and Control of Pollution)Act,1981 and the Rules framed there under. The SPCB shall not grant CTO unless the EC has been obtained by the lessee.

c. On registration of quarry lease or issue of permit order as the case may be the boundary of the source area shall be demarcated and shown to the lease/permit holder with written and dated acknowledgment to that effect. Mining Officer or Assistant Mining Officer in charge of the District shall remain present at the time of such demarcation.

d. Geo-fencing of the sites, allotment of geo-coordinates to all the pillars on the boundaries of the sources and electronic surveillance shall be done.

e. Baseline data in respect of the initial level of mining lease in the interval not more than 25 X 25 meters shall be collected for record by the leaseholder.

f. Display board showing details like name of the source, revenue village, name of the lessee/ permit holder, area of the source, lease/permit period, approved quantity of extraction, etc. shall be fixed by the lease/permit holder at a conspicuous place near the approach to the source.

g. Quarry operation shall be carried out strictly in accordance with the approved mining plan duly adhering to the provisions of Odisha Minor Mineral Concession Rules 2016 and terms and conditions of respective statutory clearances and approvals. The mining plan shall be prepared by following the guidelines of MoEF & CC Government of India formulated in their **Sustainable Sand Mining Guidelines, 2016** and the said guidelines prescribed standard environmental condition for sand mining at Sl No. 19 which clearly envisages **"Depending upon the location, thickness of sand, deposition, agricultural land/Riverbed, the method of mining may be manual, semi-mechanized or mechanized; however, manual method of mining shall be preferred over any other method."** Sand quarrying activity shall be stopped when the approved quantity of extraction is reached unless through duly modified and approved mining plan & EC for extra quantity is permitted for extraction. It shall be the responsibility of the Competent Authority to ensure that no extraction takes place beyond the permitted quantity.

h. All precautions shall be taken to ensure that the water stream flows unhindered and the process of natural river meandering does not get affected due to mining activities.

i. The mine closure plan should be a part of the mining plan prepared for the source and shall be carried out by the lessee in accordance to it.

j. A copy of the approved mining plan may be kept at the quarry site for ready reference.

k. First aid kit with all essentials shall be kept ready at the quarry site, to be used in case of any emergency.

l. To prevent air pollution due to the dust during sand quarrying operations constant water sprinkling on the pathways and dust-prone areas shall be done. The sand loaded vehicles shall be properly covered with a tarpaulin before moving out of the quarries.

m. On the expiry of the lease period or termination of lease sheds and other constructions at the quarry site shall be removed by the lessee. All the roads and pathways shall be leveled so that there is no obstruction to the normal flow of the river.

n. Steps shall be taken sufficiently ahead of the completion of the lease period of a source to initiate the process of subsequent lease of the source so as to avoid time gap between leases.

o. Quarterly returns as per OMMC Rules, 2016 regarding extraction of minor mineral shall be checked by Mining Officer in respect of all the quarries under his jurisdiction so as to prevent over extraction. The quarterly production report shall be submitted by the lessee to the Mining Officer and SPCB Regional office concerned for record.

p. District administration/mining officer shall provide detailed information on their website about the sand mines in its district for public information.

q. All the records/registers shall be carefully maintained by the lessee for future reference.

5. <u>Monitoring & Enforcement:</u>

a. IT-enabled technology of i4MS (Integrated Minor Minerals Mines Management System) which is being developed by the Department has already been implemented to track and monitor the sand mining activities in an effective and efficient manner. Features like barcode enabled transit pass(Y Form) and a facility for accessing illegal transportation via mobile app has already been implemented and used by enforcement squads to verify e-pass details like approved quantity and validity period etc.

b. Steps will be taken to workout modality for tracking the vehicles carrying minor minerals through incorporation of GPS Units and a befitting monitoring module under i4MS.

c. A Project Monitoring Unit (PMU) shall be set up in the Directorate of Minor Minerals to regularly monitor the sand mining activities of the State.

d. State Level Enforcement Squads (SLES) are being constituted in the Range Police Headquarters of the State to conduct regular enforcement activities, functioning of which should be regularly reviewed and effectively monitored.

e. Regular inspection of operational sources will be ensured through frequent visits of the concerned Junior Mining Officers, Assistant Mining Officers, Mining Officers and Deputy Director of Mines.

f. The Mining Officer of the District may make requisition to SLES of his/her jurisdiction as and when required for Enforcement and conducting raid in his/her jurisdiction.

g. During field visits Senior Officers like Deputy Director of Mines, Officers from Directorate of Minor Minerals should visit sand sources to see adherence rules and regulations in sand mining and check the incidence of illegal mining if any.

h. Constitution of District Level Task Forces (DLTF) will be ensured in each district under the chairmanship of the District Collector as per the guidelines envisaged in the order of the Hon'ble NGT:

6. Post Environmental Clearance Monitoring and Environmental Audit:

The Mining Officer (Competent Authority) shall ensure that Post Environmental Clearance Monitoring and Environmental Audit is carried out. The Deputy Director of Mines concerned shall supervise such exercise to ensure that it is carried out in compliance with the guidelines/directives issued from time to time.

It is the responsibility of the EC holder to comply with the Environmental Clearance conditions as laid down by SEIAA at the time of grant of EC and monitoring shall be carried out by SEIAA as per the procedure laid down by MoEF & CC from time to time.

The environmental audit shall be carried out at least once a year by a three member committee nominated by District Collector/ Magistrate comprising ex-serviceman, ex-Government official of repute, Professor or person having experience of mining/environment. The audit report shall be uploaded on the website of the district administration.

Environmental Statement for the financial year ending the 31st March shall be submitted to the concerned State Pollution Control Board, on or before the 30th September of the same year. NABET/QCCI Accredited consultant may be engaged for Environment Audit and during the course of the audit, a three-member committee nominated by District Magistrate shall be associated.

7. Replenishment study:

a. Regular replenishment study shall be carried out to keep a balance between deposition and extraction and to minimize the adverse impact arising out of excessive sand mining in a given stretch of river. A replenishment study of sand mining shall be carried out in each source by the lessee. The

Replenishment Study of the sand shall be done by NABET/ QCCI accredited consultant following the guidelines issued by MoEF & CC in their notification **Enforcement and Monitoring Guideline of Sand Mining 2020**. The Mining Officer of the respective district shall ensure the same in respect of the sources in their jurisdiction.

b. Initially, the Sub-Divisional Committee preparing the DSR shall carry out the replenishment study and incorporate the same in the DSR. Subsequently, as per the terms and conditions of the grant of EC by SEIAA, the lessee shall get the annual replenishment study conducted in respect of his/her lease area and submit the report to SEIAA through Competent Authority.

8. Customer Grievance Redressal Centre:

a. Customer Grievance Redressal Centre shall be established in each district in the office of the Mining Officer which will inquire into and address the grievances of the sand consumers/Lessees/Public & etc.

b. A monthly report on receipt and disposal of such grievances during the month shall be submitted to the Directorate of Minor Minerals and Steel & Mines Department.

These guidelines are framed in supersession of all guidelines issued earlier and will come into effect from the date of issue.

By order of the Governor

21/12/2023.

Additional Chief Secretary to Government

Memo No. 12794 /S&M Dated 21/12/2023

Copy forwarded to P.S. to Minister, Steel & Mines for kind information of Hon'ble Minister, Steel & Mines.

21/12/23

Additional Secretary to Government

Memo No. 12795 /S&M Dated 21/12/2023

Copy forwarded to OSD-cum-Special Secretary to Chief Secretary for kind information of Chief Secretary.

21/12/23

Additional Secretary to Government

Memo No. 12796 /S&M Dated 21/12/2023

Copy forwarded to the Sr. PS to DC-cum-ACS for kind information of DC-cum-ACS.

21/12/23

Additional Secretary to Government

Memo No. 12797 /S&M Dated 21/12/2023

Copy forwarded to the Sr. PS to ACS, Steel & Mines for kind information of ACS, Steel & Mines.

21/12/23

Additional Secretary to Government

Memo No. 12798 /S&M Dated 21/12/2023

Copy forwarded to the Advisor(Mining)/Director of Minor Minerals, Odisha/Director of Mines & Geology, Odisha/ All Sections of Steel & Mines Department for information and necessary action.

21/12/23

Additional Secretary to Government

Memo No. 12799 /S&M Dated 21/12/2023

Copy forwarded to all Departments of Government / All Heads of Department/ Member Secretary, State Environmental Impact Assessment Authority, Odisha/ Member Secretary, State Pollution Control Board, Odisha/ all Revenue Divisional Commissioners/ All Collectors/ All Deputy Director of Mines/ All Mining Officers.

21/12/23

Additional Secretary to Government