



## STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]

Paribesh Bhawan, A/118, Nilakantha Nagar, Unit – VIII  
Bhubaneswar – 751 012, INDIA

No 6181 /

IND-I-Con (M)1603

Date 16.07.2020 /

### OFFICE MEMORANDUM

**Guidelines regarding Consent to Operate under provisions of the Water (PCP) Act,1974 and Air (PCP) Act,1981 to the mines to whom vesting orders have been under the provisions of MMDR Act, 1957 and the Mineral Auction Rule,2015.**

This is regarding Consent to Establish (CTE) and Consent to Operate (CTO) to the mining leases of Iron ore, Manganese ore, Chromite ore taken over through the process of e-auction, as per the provisions of MMDR Act, 1957 and the Mineral Auction Rule,2015 as amended from time to time (the “Auction Rule”) to the successful bidders, with effect from 01.04.2020. On expiry of the mining leases on 31.03.2020, no further excavation of mineral by the previous lessee, has been allowed by the State Govt. in Steel & Mines department.

However, the previous lessees have been permitted, as per Rule 12(1)(gg) of the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules 2016, to take down and remove for its own benefit, all or any ore mineral excavated during the currency of the lease, engines, machinery, plant, buildings structures, tramways, railways and other works, erections and conveniences which may have been erected, set up or placed by the lessee in or upon the leased lands and which the lessee is not bound to deliver to the State Government, within six calendar months after paying the rents, rates and royalties payable under the Act and rules made there under or under the lease deed.

Accordingly, Steel & Mines Department have allowed removal of the ore minerals already excavated, prior to expiry of the mining lease and lying in the leasehold area as per Odisha Minerals (Prevention of Theft, Smuggling and Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Amendment Rules, 2015. Some of the lessees have obtained Consent to Establish and Consent to Operate for intermediate mineral ore stockyard, outside the mining lease areas, for storage and handling of the removed ore mineral from these mining leases.

State Pollution Control Board, Odisha regulates the mining activity and other ancillary activities such as, ore processing, beneficiation, transportation etc. of a mining lease through consent administration, under the provisions of Water (PCP) Act,1974 and Air (PCP) Act,1981. The consent is granted to the lessee for carrying out all the above activities. The consent to operate was also issued to these above mines up to the valid lease period i.e. 31.3.2020.

Although in the same lease area, the previous lessee continues removal of the ore excavated during the currency of the lease, but no separate Consent to operate is envisaged for such activity. However, the removal and transportation of such ore mineral shall be carried out subject to the necessary permission from Steel & Mines Department and other Statutes, as applicable. Keeping in mind the potential for water and air pollution due to activities related to transport of excavated ore, certain pollution control measures have been stipulated by the State Pollution Control Board, Odisha through a "*Guidelines for removal/transportation of already excavated mineral ore by the previous lessees from the mining leases which expired on 31.3.2020*" vide Board's Letter no. 4111 dated 17.04.2020.

As per the sub-rule(2) of Mineral (Other than Atomic and Hydro Carbons Energy Minerals) Concession (Amendment) Rules,2020 notified vide G.S.R. 191(E) dated 20.03.2020 by Govt. of India, the vesting order shall be issued to the new lessee with the all the valid rights, approvals, clearances, licences which were with the previous lessee. The vesting order shall contain the same terms and conditions of every clearances, permissions and rights which vested with previous lessee. The vesting order shall be issued by the nodal officer as nominated as per the sub rule (1) of the aforementioned Rules. Provided that any statutory payments or documents to be submitted for obtaining such rights, approvals, clearances and the like for the period for which vesting right is issued , shall be made or done when new lessee applies for issuances of fresh rights, approvals, clearances and the like under the rule: Provided further that mandatory payments towards certain statutory clearances shall be paid by the new lessee as specified by the concerned authorities or the nodal officer. The vesting order shall be valid for two years from the date of the execution of new lease deed or till the date of getting all fresh approvals, clearances, permissions and the like, whichever is earlier.

In the light of the aforesaid rules, explained above, and for seamless transition of mining leases to new lessee and to commence the mining operation, the Board is hereby pleased to issue the following guidelines regarding Consent to Establish and Consent to Operate under the provisions of Water (PCP) Act, 1974 and Air (PCP) Act, 1981, for mining operations by the successful bidders to whom the CTE and CTO have been vested by the competent authorities.

1. The validity of the vested Consent to Establish and Consent to Operate shall be up to two years from date of execution of mining lease or till the date of getting fresh CTE & CTO, whichever is earlier. The consented capacity regarding production and configuration of mineral processing facilities like crushing plants, screening plants, ore beneficiation plants and railway sidings etc., along with all the stipulated conditions therein, shall remain the same as that of the consent orders issued to the previous lessee.

2. The new lessee shall apply for CTO afresh from Board within 120 days from date of execution of mining lease, through the SPCB web portal ([www.odocmms.nic.in](http://www.odocmms.nic.in)), for a period not exceeding five years, with the applicable fees as notified in Gazette notification no. 1503 & 1504 dated 30.07.2012, published by Govt. of Odisha. However, in case the new lessee proposes to increase the capacity of the mine or increase in lease area, then they have to apply for CTE for the same as per the provisions of Water (PCP) Act,1974 and Air (PCP) Act,1981.
3. Any alternation in configuration of mineral processing facilities like crushing plants, screening plants and railway sidings, shall require amendment of CTE and CTO. However, in order to keep continuity of mining operation, the overall capacity of mineral processing facilities shall remain within the capacity mentioned in vested Consent Order. However, the successful bidder/nominated owner shall apply for amendment of CTE and CTO, for the aforesaid modification in configuration of mineral processing facilities within 120 days from date of execution of mining lease.
4. In case the combined capacities of the proposed mineral processing facilities are more than the consented capacity of the vested Consent Order then they have to obtain a fresh CTE and CTO for the same.
5. The successful bidder / nominated owner shall commence mining operation with all the pollution control measures and shall take action for compliance of all consent to operate conditions.
6. The target date stipulated for compliance of any specific condition in the latest consent order of previous lessee shall not be applicable to the new lessee. However, actions shall be taken by the new lessee for compliance of such conditions along with other consent conditions within a shortest possible period.
7. The permanent pollution control devices like fixed water sprinklers alongside road, wheel washing facility and effluent treatment plant etc. as well as air and water pollution control monitoring equipment/stations (real-time monitoring station and manual monitoring stations), owned by previous lessee may be retained/to be installed in fresh in order to monitor and mitigate the possible pollution problem during mining operation.
8. Transportation of raised ore through captive railway siding by previous lessee is subject to settlement of ownership as per statues and permission from Steel & Mines Department. This is sole responsibility of successful bidder/new lessee and previous lessee.
9. The previous lessee shall share relevant information related to environmental monitoring stations of the mine in core and buffer zone with the successful bidder. The successful bidder/new lessee has to commence environmental monitoring as per

consent conditions and any other relevant direction issued to previous lessee, at these locations in consultation with concerned Regional Officer of SPCB.

10. The Board may impose any additional condition or modify any conditions in future, if required.

11. In case the new lessee desires that information regarding CTE and CTO applications and related documents of the previous lessee of respective mine be supplied to them, then the SPCB may share the available information.

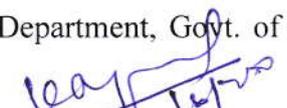
This order is issued without prejudice to provisions of any other relevant laws for compliance and subject to outcome of any relevant matter pending before Honourable Court/ Competent legal forum.

By order of the Chairman

  
Member Secretary

Memo No. 6182 /Dt. 16.07.2020 /

Copy forwarded to the Addl. Chief Secretary, Steel and Mines Department, Govt. of Odisha for kind information.

  
Member Secretary

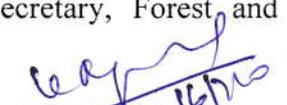
Memo No. 6183 /Dt. 16.07.2020 /

Copy forwarded to the Director of Mines, Govt. of Odisha for kind information.

  
Member Secretary

Memo No. 6184 /Dt. 16.07.2020 /

Copy forwarded to the Director, Environment-cum-Special Secretary, Forest, and Environment, Govt. of Odisha for kind information.

  
Member Secretary

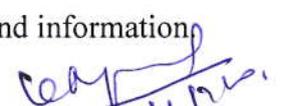
Memo No. 6185 /Dt. 16.07.2020 /

Copy forwarded to all the Branch Officers / SLO L-I / All Regional Officers, State Pollution Control Board, Odisha for information and necessary action.

  
Member Secretary

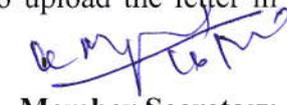
Memo No. 6186 /Dt. 16.07.2020 /

Copy forwarded to the all District Magistrate and Collectors for kind information

  
Member Secretary

Memo No. 6187 /Dt. 16.07.2020 /

Copy forwarded to Smt. Mamata Pattnaik, Env. Engineer-cum-System Administrator for information and necessary action. She is requested to upload the letter in Board's website for public view.

  
Member Secretary