

(English translation of original matter in Oriya)

**PART-B: Comments of the local people on the POSCO's reply
on the questions raised in Public Hearing**

(The following comments were given by the local people on the POSCO's response to the questions raised in the public hearing as reported in the Annexure-1 of the Draft Proceedings circulated by Orissa State Pollution Control Board (vide OSPCB's letter No. Letter No-8905/I.N.D. II P.H.-199 Date 18.04.07 from Member Secretary, Orissa State Pollution Control Board, Bhubaneswar)

[The serial numbers mentioned against each para of the present document are the same as mentioned in the Annexure-1 of the above letter from OSPCB. It is requested that the reader should refer to the POSCO's reply in original to appreciate the tenor of the following comments.]

- 1(A)-** The reply is not satisfactory, because here the project proponent instead of admitting his error has tried to evade it. It is a fact that the Oriya version of the executive summary of POSCO's EIA Report mentions wrongly in two places (at para 50 on page-30 and at para-54 on page-31) 'Gua Chasha' meaning betel nut cultivation as the predominant cash crop of the affected area, whereas the English summary mentions the right term 'betel piper cultivation', the Oriya equivalent of which is Pana Chasha. Since the local speakers had read the Oriya version of the Summary, they naturally thought and expressed accordingly that the EIA Report has inaccurately described 'betel nut' in place 'betel leaf' as the leading cash crop of the area. In such a situation, the project proponent should have admitted the error in translation occurring in the Oriya summary of the EIA Report.
- 1(B)-** The reply is not only unsatisfactory but also misleading. Firstly, POSCO's excuse that there were only 471 families as per the rapid/preliminary assessment is simply an afterthought, since nowhere in their EIA Report dated August 2006, have they mentioned that the given figures are only of preliminary or tentative nature. Our next question to POSCO in this regard – if that was the preliminary assessment in August 2006, have they conducted any final assessment till date, and if so what is the exact figure for the families of the affected villages by now? Thirdly, when the EIA Notification of 2006 insists on comprehensive and detail report in every respect, who allowed the POSCO Company to go for a preliminary/rapid assessment of a critical factor like total number of affected households, based upon which the public hearing was to be held? Even the EIA Notification of 1994 insists on comprehensive and detail EIA report in every respect. Thus the excuse of preliminary assessment, which has been illegally resorted to by the POSCO Company is a shrewd ploy to cover up their complete ignorance of the landscape and people of the affected areas.
- 1(C)-** The POSCO India's claim that their EIA Report has been formulated as per the GOI's guidelines is simply baseless and puerile. They should have specifically mentioned the exact title, date and issuing authority of the said guideline, so that anybody could cross-check the legitimacy of POSCO's EIA Report in reference to the said guideline. As we know, the latest guideline of GOI for EIA reporting is the EIA Notification of 2006. As per para- 7(II) of this Notification, the terms of reference for EIA Report should be

determined by the Government in consultation with the concerned Company keeping in view the need for detail and comprehensive information in every respect. But as is evident now from the Company's statement, the Company has got their EIA report formulated basing upon a rapid or preliminary survey spanning only 3 months. Our question is- How and on which basis the MoEF and OSPCB accepted the rapid survey of POSCO Company to be the basis of public hearing?

- 1(D)-** The Company's claim that their steel project doesn't come under CRZ regulations and the Orissa Coastal Zone Management Authority, basing upon its own evaluation has already issued the necessary clearance to that effect is baseless too. Had such clearance been given, the Company would have mentioned the particulars of the concerned letter of clearance in their EIA Report. Again, the Company's claim that NIO, Goa has identified the coastal zone demarcation line in reference to the POSCO project is also dubious, since the EIA Report on Captive Port by NIO, Goa nowhere mentions about this development. Rather, the English Summary of the EIA Report on the captive port made by NIO mentions at para-3 on page 19 that they have done the survey on other aspects of the port project basing upon the presumption that POSCO might be given the CRZ clearance by the concerned authorities. So until and unless the Company produces the letter of CRZ clearance in public, they shouldn't go on misleading the people about such clearance by taking the name of NIO, Goa or Orissa Coastal Zone Management Authority.
- 2(A)-** The Company has preferred silence on this objection, that is, the objection relating to wrong choice of venue for the public hearing. It is worth mentioning here that not only all the speakers had raised their objection to the OSPCB's choice of venue on the grounds of inconvenience arising from distance factor, but also the choice is patently illegal. In fact, the EIA Notification-2006 at two places (vide Stage-3 under para-7 and para-1 of Annexure-4) has clearly mandated that the public hearing should be held on the project site itself or in its close proximity. Violating this mandate the OSPCB organised the public hearing at Kujanga, which is more than 15 km away from the project site. Therefore, the present proceedings of the public hearing as circulated by OSPCB has no legal validity at all.
- 3(A)-** The Company's claim that such expert agencies as DHI, CES and NIO have already studied the possible hazards arising from lifting of clay and sand in and around the project site is a big lie, since to the best of our knowledge no such agencies have ever visited the project site to make any study. Thus the Company's assurance that the problems caused by the lifting of the clay and sand from the creek and coastal waters would be scientifically managed is completely unfounded.
- 3(B)-** The NIO, Goa nowhere in their EIA Report has ever mentioned that there shall not arise any endangerment to the marine life owing to the POSCO project. Rather the said Report (Vide para-4.4 of the English version of the Executive Summary of EIA Report on captive port) has warned the project proponent to ensure that no adverse impact is exerted on the endangered marine species due to construction works, dredging and waste disposal in and around the coastal stretch. More specifically, the said Report in its Recommendation Chapter has further warned the project proponent to ensure that the rare and endangered marine species like Olive ridley sea turtle and horse-shoe crab need to be protected from the possible hazardous impacts of the project activities.

- 3(C)-** In answer to the concern of the speakers that the project constructions shall accelerate the erosion of sea and creek and thus disturb the water profile of the surrounding shoreline areas, the Company has simply dismissed such possibility without adducing any expert opinion to that effect. The Company has nowhere in the EIA Report spelled out the type of advanced technology that they shall adopt in order to protect the fragile ecosystem of the Jatadhar coast and creek vis-à-vis the potentially destructive impact of the proposed steel and port projects.
- 3(D)-** The above comments is valid here too.
- 3(E)-** The very comment that the establishment of a new port and steel plant at Jatadhar mouth shall not adversely affect the nearby Paradip port becomes known to us only from this brief explanation given by the POSCO Company in answer to the concerns expressed by the speakers in the public hearing. The Company without elaborating on the whys and hows of their claim simply quotes the name of such expert agencies as DHI and CES to buttress the claim. But ironically enough, the POSCO EIA Reports including the one prepared by NIO on the marine port nowhere deals with this concern in any manner. Moreover, the authorities dealing with Paradip Port themselves should say clearly that the POSCO projects proposed to be set up only 12 km away from Paradip port shall not exert any adverse impact on it.
- 3(F)-** The Company's claim that a new port at Jatadhar mouth shall not cause any obstruction in the natural drainage of flood waters in the rainy season through Jatadhar mouth to the sea is simply a hollow afterthought, since they have not offered any scientific reasoning in favor of such a claim and none of their EIA Reports has even referred to this problem as of any significance. Only after some speakers vociferously deliberated on this problem in course of the public hearing, the Company seems to have been struck by it. But instead of delving deep in a scientific manner into this genuine problem, they have simply wished it away blissfully.
- 3(G)-** The authorities and scientists dealing with Paradip port can and should opine whether a new port at Jatadhar shall adversely impact the Paradip port in various respects. But we like to put up our well-considered objections on the proposed port on the following grounds-
- (1) The heaps of clay and sand lifted due to the dredging of the sea and creek shall adversely impact the entire coastal landscape of the area including its water and soil profile;
 - (2) The Jatadhar mouth, which serves as the exit path of flood and surplus waters flowing from numerous upstream sources shall be obstructed;
 - (3) The hydraulic and biodiversity profile of Jatadhar creek shall be radically disturbed, leading to the loss of livelihood of 30 to 40 thousand traditional fisher folk who have been living off the creek fisheries over centuries;
 - (4) The foraging grounds and migration path of endangered marine species like Olive ridley sea turtle and blue-blooded horse-shoe crab shall be disturbed beyond repair;
 - (5) The construction of a Port and a Steel Plant in the proposed area shall lead to massive destruction of the casuarinas and cashew forests, which contribute to the sustenance of the environmental ecosystem and human population in very many respects; The POSCO EIA Reports have not cared to mention the exact place where they would

- undertake alternative afforestation that matches the abundance of the existing acreage and species composition of Jatadhar forests; and
- (6) The areas which are going to be displaced and affected by the POSCO projects are already prosperous in comparison to many other areas of the State due to bumper harvest made regularly of rice, betel leaf and fish, all thanks to the bounties of nature. No Government nor any Company can ever compensate for the massive disfiguration and loss likely to be caused to this rich landscape by the POSCO proposed projects.

3(H&I)-The assurance now being given by the Company that the affected agriculturists of the area shall be duly compensated is not backed up by any substantive provisions. The Company has not declared till date in specific terms how much they shall compensate for the homestead and agriculture land. There is also no specific provision announced so far for the share-croppers, agricultural workers, fisher folk and landless and homesteadless families, who are going to lose their livelihood due to the land acquisition for the proposed projects. So many speakers expressed their deep concern about the fate of such displaced people in the public hearing, but neither the EIA Reports of the Company nor their present response give any specific indication as to how the Company is going to compensate the displaced families of various categories.

4(A&B)-The Company has talked about the high-tech methods to be adopted for controlling the air and dust pollution. In fact there do exist such methods too. Other companies in the past had also assured to adopt such up-to-date pollution control methods. But in practice they backtracked from their assurance due to the high costs involved in the application of these scientific methods. On the other hand, the State Pollution Control Board, which is supposed to work as a watchdog to ensure the foolproof implementation of pollution control measures by the concerned industries do get involved in a dirty nexus with the polluting industries and ultimately provide shield and protection to them. Many speakers recounted their bitter experience about OSPCB's naked failure to check the widespread pollution, which was caused by the erstwhile Oswal Fertilisers Plant at Paradip only a few years back. Given such an ambiguous setting, where lies the guarantee that POSCO Company like Oswal and other industrial companies shall not backtrack from its assurance to keep the pollution under check.

4(C)- The Company again assures in a vague manner that they shall check the water and oil-spill pollution by employing ultra-modern technologies. But what happens afterwards to such assurances by the industries in absence of a vigilant and corruption-free Pollution Control Board has been already indicated in the above paragraph. Here however the Company adds that they shall abide by the pollution control norms laid down by Govt of India for the industries. But the fact remains that the power of monitoring over such measures shall continue to be exercised by the OSPCB as before, which is actually the piece of the villain.

4(D&E)-The Company has made it clear that they would require not more than 4004 acres of land for their steel plant and port projects, and the waste of these two establishments shall be disposed of within this land. But again, the same question arises, given the unholy nexus of the OSPCB with the polluting industries, how can the people rest assured that the POSCO Company shall not dispose of their waste materials to the sea or creek like the Oswal Fertilisers Plant used to do in the recent past?

5(A)- The Company here says that the reserved forests along the Jatadhar creek measure only 373 acres, and they shall do the compensatory afforestation in lieu of acquisition of such forest land besides paying the price of forest land to the Government. However a number of questions strike us at the moment. Firstly, has the Government given clearance to POSCO Company for acquiring the Jatadhar reserved forests? Secondly, so many speakers in the public hearing had spoken out their social, economic and even sentimental attachment to the Jatadhar forests over time. They also narrated that when the said forests were badly damaged in the super-cyclone of 1999, the local people collectively worked for and achieved its regeneration, in which the Forest Dept. had absolutely no role. The sustenance of life and livelihood of the local people is indissolubly bound up with the maintenance of Jatadhar forests. So the moot question arises- once the Jatadhar forests are taken over by the POSCO Company the Government may get the price for forest land as promised and the Company may do the alternative afforestation to satisfy the law of the land, but what shall the local people get? The POSCO Company should answer these questions unequivocally to the satisfaction of the local people.

5(B)- The Company here mentions that they would build up a 50m wide green belt around their premises of port and steel plant to add to the scenic beauty of the area. But the question arises, will the Company permit the local people to enter into the green belt and collect the usufructs just as they could access freely the Jatadhar forests?

Again, the Company has assured that they would raise mangrove plantation and social forestry beyond 10 km radius of the project site. But no mention has been made of the exact locations where such mangrove plantation and social forestry shall be undertaken respectively. Moreover, of what use shall these afforestation programmes prove to the local people if these are located at so great a distance as 10 km?

6(A&B)-The Company here assures that they shall install modernised air pollution control mechanism at the expense of 661 crore rupees. But as already mentioned, it all depends upon OSPCB whether the Company shall fulfill their assurance or not. This very anxiety was pointed out by several speakers on the day of public hearing, where the scientist representing the Board was also present and recording the proceedings. There are grave doubts in the people's minds whether the Board would be able to reform itself and act as the genuine watchdog of environmental pollution caused by the high-profile industrial companies like POSCO.