

English Gist of the Letter of Response in Oriya dated 25.05.2007 submitted by the affected villagers on the Proceedings of the Public Hearing on POSCO proposed marine port and steel plant in Orissa

To,
*The Secretary, Ministry of Environment and Forests, Government of India,
Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi-3*

Ref: Letter No-8905/I.N.D. II P.H.-199 Date 18.04.07 from Member Secretary, Orissa State Pollution Control Board, Bhubaneswar on Draft Proceedings of Public Hearing on POSCO Project

SUB: Comments on Draft Proceedings of Public Hearing in respect of the Environmental Impact Assessment for M/s POSCO India (P) Ltd. for setting up a captive Minor Port at Jatadhar Muhan Creek near Paradeep and a 4 MTPY Integrated Steel Project (Phase-1) near Paradeep in the district of Jagatsinghpur.

Sir,

We the following signatories after going through the above mentioned draft proceedings like to place our views on the same for your perusal. This letter of ours consists of two parts-

Part-A: How the process of public hearing adopted by Orissa State Pollution Control Board has systematically violated the norms of EIA Notification-2006 (placed in the main letter itself)

Part-B: Why we consider the response of the Project Proponent/POSCO Company on the objections of the raised in the public hearing not only evasive on many counts but also misleading and based on falsehood. (**placed as Annexure-1 to this letter**)

**PART-A: Violation of the norms of EIA Notification-06
by OSPCB in respect of conducting Public Hearing on POSCO Project**

1. Why Rapid EIA Report?-

On the first page of the above-mentioned letter, the Member-Secretary of the OSPCB has mentioned that the public hearing on POSCO on 15.04.2007 was held as per the procedure laid down in the EIA Notification-2006. But we like to say that the Notification of 2006 nowhere has said that there should be a Rapid EIA Report of the proposed project to be circulated for the purpose of the public hearing. Rather the Annexure-3 of the said Notification mandates a comprehensive EIA Report providing detail and complete information on every

aspect of the proposed project. Contrary to this mandate, it was noticed that the Company prepared a rapid report (meaning a report of preliminary and tentative nature) on both Port and Steel Plant proposals, which was accepted unhesitatingly by the concerned authorities and circulated by the OSPCB for the purpose of public hearing. Not only that. As regards this objection raised in the public hearing, even Posco Company in their response sheet (vide 1-C) have washed their hands clean by throwing the blame for this deviation on the guidelines of Government of India. But as we know, there is no such guideline ever issued by GOI and existing in force at this point of time, which justifies 'Rapid EIA Report' in place of a comprehensive one. Our question is, how come the Govt of India and OSPCB accepted such a blatant lie resorted to by the POSCO Company?

2. EIA Report filled with falsehood-

As per Para 8(6) of the EIA Notification-2006, the application for environmental clearance for a project can be outright rejected, if the concerned EIA Report contains any false information or suppresses any material fact. But as we know, the pages 182-185 of Volume-2 (Field Reports) of POSCO EIA Report are filled with white lies. To illustrate our case in point, it has been mentioned there that groups of surveyors had visited house to house in 63 affected villages for conducting a sample survey, and they also held Focus Group Discussions in each such village in the presence of village heads, Panchayat functionaries, Anganwadi workers and voluntary workers. As we know, neither such household survey nor any FGD has been held in any of the 63 villages. Our question is, how come the concerned Governmental authorities instead of rejecting outright the project proposal of POSCO on this ground could accept such a naked lie before recommending the dissemination of the concocted EIA Report for the purpose of public hearing?

3. Gross Omissions and Commissions in the OSPCB-circulated Proceedings of Public Hearing-

As per Para-6(4) of the Annexure-4 of the EIA Notification-2006, all the opinions and concerns expressed in the public hearing should be authentically recorded in the report of the proceedings. But the Proceedings circulated by the OSPCB are filled with several omissions and commissions in this respect. For instance, it has been mentioned in the proceedings that Speaker No.11 Sri Batakrushna Sahu of Garhakujanga welcomed the proposal for setting up the new industry. But the fact is that Sri Sahu has not welcomed or supported in any manner the proposed project. Even now, the truth of what he actually said can be verified from the video record of the public hearing. Moreover, most of the speakers of the day had thus expressed their doubt loudly – 'When the OSPCB has miserably failed to check the industrial accidents and pollution caused by various plants in the Paradeep region in the past, where lies the guarantee that they would be able to check such public nuisances, if and when caused by POSCO in future?' But strangely enough, such a big concern ventilated repeatedly, unanimously and vociferously in the public hearing has not found any mention in the OSPCB drafted proceedings.

4. Withholding of EIA Report from the knowledge of the affected people -

As per para-2(4) of Annexure-4 of EIA Notification-2006, a copy of the executive summary of the concerned EIA Report was to be circulated by OSPCB to each Gram Panchayat office in the affected area soon after the notice for public hearing was published to enable the affected people to build up their well-reasoned views and express the same orally or in writing both before and on the day of public hearing. But as a matter of fact, no such document was dispatched to any of the offices of 3 affected GPs. Only a few educated persons from the affected villages by spending their time and money could manage to go through the said summary collected from outside sources. The local people did also lodge several complaints with OSPCB registering their protest against the OSPCB's reluctance to send the EIA Report to the concerned Panchayat offices. Even then, the OSPCB didn't dispatch the said Report to the Panchayats. Such a stubborn act of withholding the EIA Report from the notice of the affected people is a naked violation of EIA Notification-2006.

Moreover, as per the EIA Notification-2006, the OSPCB should have placed both summary and complete set of EIA Reports on their website throughout the process of public consultation. However, for several days on end, they didn't place the Volume-2 (Field Reports) of the POSCO EIA Report on their site. Only after several and repeated complaints were lodged by the public, they made it available for public consumption. Such an arbitrary act of withholding a specific, cardinal part of the EIA Report from the public view for several days during the process of public consultation is squarely illegal and smacks of an illicit nexus between OSPCB and POSCO Company.

5. No mention of the written opinions submitted in course of public hearing process:

As per sub-para (6) of Stage-3 under para-7 of the EIA Notification-2006, a State Pollution Control Board should also invite and collect written submissions from the interested citizens an EIA Report. Again, the OSPCB also invited the written opinions in their advertisement for public hearing published in Oriya daily Dharitree dated 14.03.2007. And we know for sure, so many conscious individuals from and outside the affected locality had submitted their opinions in writing on the POSCO EIA Report to the OSPCB both before and on the day of public hearing. A selective compilation of such written submissions is being forwarded along with this letter for your perusal (**Annexure-2**). But strangely enough, the OSPCB in their proceedings have not mentioned anything about these written submissions. Is this intentional omission on the part of OSPCB not a flagrant violation of the EIA Notification-2006?

6. POSCO EIA Report didn't follow the prescribed format:

The Annexure-3 of the EIA Notification-2006 contains the prescribed format for the formulation of EIA Report for the concerned project, which POSCO Company has not adhered to. For instance, the last and 12th column of the said format requires the project proponent to mention in detail about the name, qualification

and expertise of the personnel involved in the process of making the EIA Report. But peculiarly enough, while the EIA Report on Captive Marine Port prepared by the NIO team gives a list of such personnel, the other report i.e. EIA Report on the Steel Plant conspicuously misses out such a list. It is our presumption that since the second Report contains the blatant lie about the so-called visit of POSCO surveyors to the 63 nos. of affected villages, and since this report is on the whole a manufactured document, it deliberately hid the actual list of personnel responsible for the contents of the report. Had the Company disclosed the list of the surveyors involved, their tall claim that they visited 63 villages and held FGD in each would have been easily cross-checked for accuracy. Thus the POSCO EIA Report, which has been prepared in violation of the prescribed format and given a place to a chain of lies deserved to be discarded by both MoEF and OSPCB before recommending the same for public hearing.

7. OSPCB's choice of venue for the public hearing unacceptable:

As per Stage-3 under Para-7 and again as per para-1 of Annexure-4 of the EIA Notification-2006, the public hearing should be held on the project site itself or in its close proximity. But the OSPCB deliberately chose a venue (Kujanga), which was far-off from the project affected villages by 15 to 20 km and thereby deprived the mass of the common people of the project affected villages of any chance to participate in the public hearing. It is worth mentioning here that almost all the speakers had on this ground demanded cancellation of this public hearing and holding of another at any place in the affected 3 GPs. Under the circumstances, both MoEF and OSPCB honoring the wishes of the local people should have annulled the proceedings of the last public hearing and arranged for holding another public hearing in the prescribed manner.

8. Women activists were not allowed to speak nor their written submissions recorded in the proceedings:

As per para 6(4) of the Annexure-4 of EIA Notification-2006, every person present during the public hearing should be given a chance to speak. On the day of public hearing some women activists working in the affected villages wanted to express their opinions on the POSCO EIA Report, but were not given the chance. Thus debarred they also submitted their written comments to the OSPCB duly acknowledged by the latter. But the proceedings circulated by the OSPCB doesn't mention anything about non-participation of the women activists or about the written submissions given by them. Thus the OSPCB's draft proceedings is a skewed document tailor-made to suit the vested interests of the POSCO Company.

9. Agenda of Public Hearing was deliberately restricted:

As already mentioned, the Annexure-3 of the EIA Notification-2006 contains a 12-column structure for guiding the formulation of an EIA Report. It offers adequate space for covering the possible impacts of the proposed project on social environment besides the impacts on natural environment. Specifically speaking, the column-7 asks for inputs on consultation with public, assessment of possible

losses, assessment of social impact and resettlement and rehabilitation of the affected populace. Again, the column-8 asks for detail information on development of physical and social infrastructure, employment potential and other tangible benefits of the proposed project. Quite many speakers started asking questions about these aspects, especially as to how they shall gain after losing their existing land and livelihood to the POSCO project. But surprisingly, every time somebody wanted to raise such questions, Sri Dillip Kumar Mohanty, ADM who was presiding over the public hearing stood up and warned the speakers to limit their talks to the issues of pollution of only natural environment and never to stray beyond it. Moreover, Dr. D.K.Rout, the scientist who was present on the dais on behalf of OSPCB and supposed to clarify what were the real meaning and scope of environmental impact as per the Notification of 2006 was seen sitting silent and quiescent while Sri Mohanty repeatedly prated a distorted and truncated definition of environmental impact. As a result, many speakers felt constricted to speak out the possible woes that would arise out of loss of their land and livelihood due to the POSCO project. So the draft proceedings circulated by OSPCB doesn't genuinely reflect the opinions of the local persons who got a chance to speak in the public hearing.

10. Separate Public Hearings for separate projects should have been held:

As per the EIA Notification-2006, proposal for each major project should be subject to a separate public hearing to be held for the purpose. But contrary to this stipulation, the public hearing held on 15th April last was notified to cover two POSCO projects at a time i.e. a marine port and a steel plant, whereas two public hearings should have been envisaged for the purpose. Under the circumstances, not only the public discourses on the day of public hearing became a messy affair, but also the proceedings circulated by the OSPCB is itself a big mess.

11. EIA Report should have contained the recommended ToR:

The prescribed 12-column structure for the EIA Report requires the Terms of Reference to be included in the Report itself. Reading the ToR, one can easily find out whether the EIA Report has been prepared in a manner adequate and appropriate as per the Notification of 2006. But the EIA Report for the POSCO Projects as circulated by the MoEF and OSPCB don't contain the ToR recommended to the Company. It is therefore next to impossible on the part of a citizen to comment on whether the ToR allotted to the Company was just or whether the EIA Report produced by the Company has followed the ToR. Under the circumstances, both the EIA Report and Public Hearing appear to be questionable from a statutory perspective.

12. Original Application by the project proponent for environmental clearance should have been disclosed:

As per sub-para (6) under Stage-3 of para-7 of EIA Notification-2006, the OSPCB should have displayed the copy of the original application made by the POSCO Company for environmental clearance to the OSPCB while displaying the EIA Report on their website during the entire period of public hearing process.

But neither OSPCB has disclosed it on their website nor the EIA Report of the Company has incorporated it. As a result, the people were left in complete dark about the original agenda of the Company and how these were handled by the MoEF and OSPCB at different stages. Such a deliberate omission on the part of OSPCB and acquiescence on the part of the MoEF smells foul about their nexus with the project proponent company and some hidden agenda shared between them.

Under the circumstances, our demands are:-

- (A) Separate, comprehensive EIA Report for each of the POSCO proposed projects (such as Steel Plant, Port, Mining, Railway line, Highway and 86km-long Water Pipeline from Cuttack to Jatadhar mouth) should be prepared afresh and strictly in accordance with the norms laid down in EIA Notification-2006.
- (B) Based upon each EIA Report so formulated, separate public hearing should be held on the site of each project following the due procedure to give full chance to the affected people in respect of every such project to ventilate freely and in an informed manner their opinions on the EIA Report for the concerned project.
- (C) Wide-scale dissemination of the concerned EIA Report should be ensured at the level of each affected Panchayat along-with ensuring of the fullest possible participation of the affected people in the public hearing.

Kindly acknowledge this letter.

Yours faithfully,

Signed by the villagers of 3 GPs affected by the POSCO proposed projects
Dated 25.05.2007, Jagatsinghpur