

COMPLAINT CLOSING REPORT

PROJECT NAME	Loan 3718-IND: Tamil Nadu Urban Flagship Investment Program, Tranche 1
ADB DEPARTMENT/DIVISION	SARD/ INRM
AM FUNCTION	Problem-Solving
ELIGIBILITY RESULT	Ineligible
ELIGIBILITY DETERMINATION DATE	28 August 2020
I. Complaint and issues	On 19 December 2019, the Complaint Receiving Officer (CRO) of ADB received a complaint from a resident of PSK Nagar in Rajapalayam town, Tamil Nadu, India informing that the contractor executing underground sewer system works was carrying out controlled blasting activities for excavating the trench for sewer lines while the ADB-cleared initial environmental examination (IEE) report of Rajapalayam underground sewerage works disclosed on ADB's website did not mention blasting as a methodology for excavation. The complainant cited non-adherence with ADB requirements reporting further that these blasting activities were resulting in dust emissions, loud noise levels, flying broken stones, ground vibrations, improper debris management, hindrance to access properties, etc. within the residential area causing fear for personal injuries and damages to properties amongst the residents. The CRO received a second (similar) complaint from a resident of PSK Nagar in Rajapalayam town on 23 June 2020.
II. Actions taken to address the problems or issues	The Tamil Nadu Urban Infrastructure Financial Services Limited, the project executing agency (EA) and Rajapalayam Municipality, the project implementing agency (IA) were advised not to recommence works which involved controlled blasting activities, till the updated IEE report of the concerned subproject is cleared by ADB. The EA and the IA agreed with ADB on a detailed corrective action plan (CAP) which was shared with the complainants. Necessary changes were reflected in the updated IEE which was subsequently cleared by ADB and publicly disclosed. Extensive and effective consultations were held with the project beneficiaries before the works were recommenced at the concerned stretch. The sewerage works was also completed using normal excavation techniques (using mechanical breaker and not involving controlled blasting) in the concerned stretch from where the complaint was received.
III. Decisions or agreements by parties concerned	The CAP disclosed as part of the Environmental Monitoring Report, broadly included the following: (i) stakeholder consultation for the work stretches to explain broad work plan including the methodology and justifications; (ii) surveys of nearby households and confirmation of conditions; and (iii) work execution with advance information. The updated IEE for the subproject considered the following: (i) IA should comply with the Indian Standards and Regulations pertaining to blasting activities; and (ii) the records maintained by the IAs would be reviewed during safeguard reviews and made a part of periodic environmental monitoring reports confirming compliance with the applicable Indian Standards. The sewerage works were completed using normal excavation techniques (using mechanical breaker and not involving controlled blasting) at PSK Nagar Rajapalayam. The complainants have not raised any further concerns or queries on this matter.
IV. Results and lessons learned	Changes in construction methodology that result in different environmental impacts from that contained in the IEE and EMP requires the EA/IA to update the IEE, disclose the IEE after ADB review, and disclose the IEE in a timely manner. Any changes should be informed and extensive consultations should be done in advance with the project beneficiaries. The effective and robust use of the consultation process which the IA undertook before recommencement of works, and careful reconsideration of the methodology to be used in trench works helped to resolve the grievances effectively.