

**C A G****Citizen consumer and civic Action Group**

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To,
EAC (Thermal) members

Dear Members,

I write to you from Citizen consumer and civic Action Group (CAG), a 33 year old non-profit, non-political and professional organisation that works towards protecting citizens' rights in consumer, civic and environmental issues, and promoting good governance processes including transparency, accountability, and participatory decision-making.

This is with regard to an application for amendment of Environmental Clearance awarded to IL&FS Tamil Nadu Power Company (ITPCL), which is to be considered in the 24th EAC Meeting for Thermal Power, on January 23, 2019.

The project proponent has proposed a change in the nature of coal- from imported Indonesian coal to a blend of indigenous and imported coal in the ratio of 25:75. In response to the representations made by the public and Civil Society Organisations, the EAC had asked the company to:

- Submit a compliance report on action taken based on the directions by TNPCB and District Administration to address the coal dust problem caused by the plant
- Carry out AAQ monitoring at the closest school in Pudhukuppam village and share the results of the same.

Here is our observation of the mitigation measures adopted by him, which we find half-hearted and unconvincing.

1. The company has not conducted AAQ monitoring at the closest school in Pudhukuppam. Members of the fishing village confirmed that an AAQ device was never installed in the premises of the Panchayat Union Elementary School of Pudhukuppam, closest to the plant. One device was installed in the power plant premises, which too was stationed only for a few days.
2. Ambient air quality monitoring was done by community members on a real time basis for last 1 month at a distance of ~90 metres from the plant premises. The data recorded showed that in the last 30 days, air quality was satisfactory only for 1 day (24 December 2018), while it was consistently in the "moderately polluted" range, with 6 days showing air quality as "poor" and 1 day as "very poor". Thus, young children and elderly people in the village are consistently at risk of breathing discomfort. The finer and hence more harmful particulate matter of size 2.5 (PM2.5) micrometer (microns) and smaller were at levels that are "moderately polluting" for 26 days in the last 30 days, with 9 days of "poor" PM2.5 quality and 1 day of "very poor" PM2.5 quality.
3. In order to reduce the coal dust from spreading to the villages along its boundary, the company has been using cloth nets as wind barriers between the coal unloading area and Pudhukuppam village. This process is yet to be completed, as can be seen in Fig: 1.

The cloth net is inadequate and unsuited as a wind barrier, especially in a coastal town which sees strong winds. Earlier attempts by the company to prevent spread of coal dust through such nets, was highly ineffective, with the net tearing apart in a few months, as can be seen in Fig: 2 & Fig: 3.

Trustees

Mr. Sriram Panchu (Senior Advocate)
Dr. Arjun Rajagopalan (Surgeon)
Dr. R. Hema (Associate Professor)

Dr. Suchitra Ramkumar (Doctor and Teacher)
Dr. George Thomas (Orthopaedic Surgeon)
Dr. C. Rammanohar Reddy (Economist and Editor)
Mr. Keshav Desiraju (IAS, retd.)

Advisors

Ms. Tara Murali (Architect)
Mr. N.L. Rajah (Senior Advocate)



Fig: 1



Fig:2



Fig: 3



Rail transport of coal, without sufficient mechanisms in place to suppress coal dust, has led to a lot of coal spillage, affecting people living close to the railway siding. (shown in Fig: 4 and Fig: 5). It may be recalled that the EC accorded for the plant was amended in March 2015 for transportation of coal, and allowed 'temporary transportation of coal by rail route until the captive port is operational'. This was done without conducting an EIA on the impact of such transportation. Four years on, the plant continues to use this rail route for moving coal, without sufficient mitigation measures in place.

Fig: 4



Fig: 5



ITPCL has violated several conditions specified in the Environmental Clearance, details of which are presented below:

EC condition number	EC Condition	Violation by ITPCL
EC dated 30.05.2010, special condition (xvi) Special condition (xvii)	There should not be any contamination of soil, ground, and surface waters (canals and village pond) with sea water in and around the project sites. In other words necessary preventive measures for spillage from pipelines, such as lining of guard pond used for the treatment of outfall and intake should be adopted. This is just because the areas around the projects boundaries fertile agricultural land used for paddy cultivation No waste water should be discharged onto channel systems, backwater, marshy area and seas without treatment	The plant has been letting off untreated water, as shown in Annexure-1
EC dated 31.05.2010 Special condition xxiii	Tree density shall not be less than 2,500 per ha with survival rate not less than 70%	Compliance report for Sep'17 - Mar'18 (Annexure- 2) states 1,78,808 trees were planted in 216.3 acres. This amounts to 2,041 trees/ha. Details about their survival rate were not mentioned in the report.
EC dated 14.08.2012 Special condition, xxix	An action taken report on the training imparted for the local employable youth in skill relevant to project for employment shall be submitted to the Regional office of the ministry and state government department concerned from time to time	This is not being done, as no such report was available when we requested for it under RTI. (presented as Annexure-3) The response received was 'Nil Information'



Special condition, xli of EC dated 14.08.2012	A status report of Sustainable welfare scheme/ measures undertaken shall be submitted to the regional office of the Ministry within six months	This was not done, as no such report was available when we requested it under RTI. (presented as Annexure-3) The response we received was 'Nil Information'
Special condition, xlvi of EC dated 04.02.2014	A status report for harnessing solar power within the premises of the plant shall be submitted to the Regional office of the Ministry	This is not being done, as no such report was available when we requested it under RTI (presented as Annexure-3) The response we received was 'Nil Information'
Special condition li of EC dated 04.02.2014	Three-tier green belt shall be developed all around ash pond and above the green belt around the plant boundary	Google Map images (Annexure-4) shows no evidence of green cover, in spite of the EC being amended four years ago
Special condition 5 (xii) for captive port and desalination plant dated 29/10/2010	A six monthly report for socio-economic factors for local people has to be submitted to Ministry	This is not being done, as no such report was available when we requested it under RTI (presented as Annexure-5) The response we received was "No report is available with this regional office in this regard"
General condition, iii of EC dated 31.05.2010	A copy of adequate safety measures which shall be provided in the plant area to minimize fire in coal yard, especially during summer season shall be submitted to MOEF and Regional Office of MoEF	This is not being done, as no such report was available when we requested for it under RTI filed to the Regional Office (presented as Annexure-5). The response we received was "No report is available with this regional office in this regard"
Special condition, viii of EC dated 31.05.2010	Criteria pollutants levels namely, SPM, RSPM (PM2.5, PM10), SO2, NOx (from stack & ambient air) shall be displayed at the main gate of the company in the public domain	The compliance report for Sep'17-Mar'18 (Annexure-6) mentions that the requisite information is "displayed online at the main gate of the plant". Local communities, however, aver that there is no such display

In light of the poor implementation of mitigation measures and blatant violation of the conditions imposed along with the Environmental Clearance, we urge the EAC members to undertake a site visit and meet with the local community members, before arriving at a decision. The proposal to change coal mix cannot be approved as an amendment to EC in any case, as change in coal mix would result in drastic alterations in the coal quantity



required, emission levels recorded and resultant environmental impacts, necessitating a fresh EIA.

Thank you

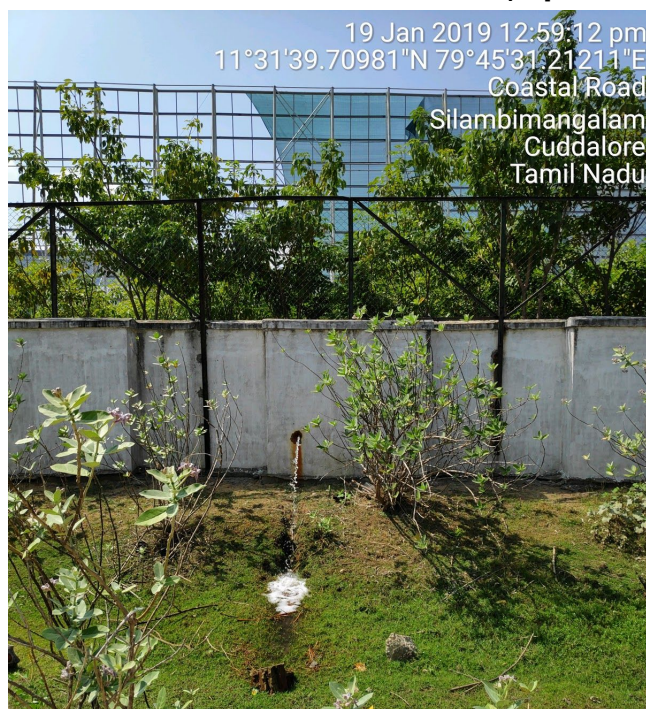
Sincerely,

Sharadha Narayanan



ANNEXURES

Annexure 1: EC dated 30.05.2010, special condition (xvi)



Annexure-2: EC dated 31.05.2010 (special condition), (xxiii)

(xxiii)	Green Belt shall consist of 3 tiers of plantations as cited above and largely comprising of native species around the power plant and at least 100 m width shall be raised. Wherever 100 m width is not feasible a 50 m width shall be raised and adequate justification shall be submitted to the Regional office of the Ministry. Tree density shall not less than 2500 per ha with survival rate not less than 70 %.	Complied. It is to reiterate that till March, 2018 about 1,78,808 nos. of saplings were planted in 216.3 acres.
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Annexure-3. Scanned copy of RTI dated 19.12.2018

F.No.A /RTI- /ROSEZ/CHN/2018
Government of India
Ministry of Environment, Forests and Climate Change
(Regional Office - Chennai)

1st and 2nd floor, HEPC Building,
No.34, Cathedral Garden Road,
Nungambakkam, Chennai – 600034

Dated: 19th December, 2018.

✓ To,

Sub: RTI Application of
2005- reg.

under RTI Act,

Ref: RTI Registration No. ROSEZ/R/2018/ dated

Sir,

Reference is invited to your Online RTI Registration No. ROSEZ/R/2018/ dated
In this regard, requisite input was sought under Section 5(4) and 5(5) of RTI Act, 2005 from the officer concerned in the Environment Wing of this office and the officer concerned informed that the requisite information contains 64 pages pertain to query at serial No.4 and 5. (Copy enclosed)

In this regard, you are requested to pay Rs. 128/- by way of Demand Draft or Indian Postal Order in favour of 'The Cheque Drawing and Disbursing Officer, MoEFCC, RO, Chennai' as photocopy charges for getting the 64 pages pertain to query at serial No.4 and 5. Accordingly the RTI application is hereby disposed of.

Further, as the information sought by the applicant also relates to IA Division, Ministry of Environment, Forests and Climate Change, New Delhi the above said RTI application is hereby transferred under section 6(3) of RTI Act, 2005 with a request that the relevant information available, if any may be sent directly to you under intimation to this office.

The Appellate Authority for this matter is Dr. MRG Reddy, Addl.PCCF (Central), Ministry of Environment, Forests and Climate Change, 1st and 2nd floor, HEPC Building, No.34, Cathedral Garden Road, Nungambakkam, Chennai – 600034.

Yours Sincerely,

(Dr.K.G.Prijilal)
RO & CPIO

Encls: As above

Copy to: The Central Public Information Officer, IA Division (Thermal), Ministry of Environment, Forests and Climate Change. Indira Paryavaran Bhavan Ali Ganj, Jor Bagh Road, New Delhi-100013-with a request to provide the information directly to the applicant, if available.



RTI REQUEST No. ROSEZ/R/2018/ dated

Available information is as follows:

Sl.No.	Information sought under RTI	Available information
1	A copy of roadmap for regeneration/preservation of mangrove forest (stated in EC condition (XXV).	Nil information
2	A copy of roadmap for CSR activities and implementation of the same within one month as per EC conditions (XXXII).	Nil information
3	A detailed report of used technology in rainwater harvesting around 11 recharging structure near the storm water drain (General condition II).	Nil information
4	Copy of environmental statement for the financial year 2017-18 which must be uploaded in their website (as per EC general condition XIV).	27 pages
5	The latest copy of ground level concentration of SO ₂ , NO _x , PM _{2.5} & PM ₁₀ and Hg. (As per EC condition VIII).	38 pages
6	A copy of adapted safety measures taken during summer with the layout (as per EC general condition	Nil information
7	A copy of the Disaster Management plan (as per EC general condition IV).	Nil information
8	A copy of yearly Expenditure report of 2017-18 (as per EC general condition XVII).	Nil information
9	A copy of local employment status that must have submitted to RO as per EC amendment condition 2012 XXIX.	Nil information
10	A copy of sustainable welfare/measures scheme xli used by the PP as per EC amendment condition 2012.	Nil information
11	A copy of solar rooftop status. of implementation submitted by PP as per EC amendment condition 2014 xivi.	Nil information

We may inform the applicant accordingly.

Submitted please.


19/12/18

Dr.K.G.Prijilal

RO

Director(Dr.CKP)


19/12



Annexure-4 Satellite Image Depicting the Ash Pond Area





Annexure-5 Scanned copy of RTI dated 11.10.2018

16 OCT 21 RTI Matter
By Speed Post

F. No. A /RTI- /ROSEZ/CHN/2018/
Government of India
Ministry of Environment, Forest & Climate Change
(Regional Office)

1st & 2nd Floor, HEPC Building,
No.34, Cathedral Garden Road,
Nungambakkam, Chennai – 600034.
Ph: 044-28222325.
Date: 11/10/2018.

To

Subject: RTI application Registration No. MOENF/R/2018/ dated 11/9/2018 of seeking information under Right to Information Act, 2005 - regarding.

Ref: RTI application reference No. MOENF/R/2018/ dated 11/9/2018 of MoEF&CC.

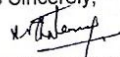
Sir,

Reference is invited to the letter No. dated of MoEF&CC, wherein the RTI application reference No. MOENF/R/2018/ dated 11/9/2018 submitted through online has been partly transferred to this Office seeking information referred therein.

2. On receipt of the RTI application cited above, the matter has been referred to the Officer concerned (Dr. C. Kaliyaperumal, Scientist 'F') in the environment wing of this office under section 5(4) & 5(5) of the Right to Information Act, 2005 with a request to provide requisite information, since the subject matter is not dealt by the undersigned.

3. Copy of input / reply made available by the officer concerned to the CPIO in respect of the above RTI application comprising of one page is hereby enclosed as an attachment. Further, if the applicant desires to inspect the relevant files pertaining to the above RTI matter, applicant may visit this Office on any working day with prior appointment of the CPIO. Accordingly, your RTI application is hereby disposed of.

4. The Appellate Authority for this matter is Dr. MRG. Reddy, Addl. PCCF(Central), Ministry of Environment, Forest & Climate Change, 1st & 2nd Floor, HEPC Building, No. 34, Cathedral Garden Road, Nungambakkam, Chennai – 600034.

Yours Sincerely,

(Dr. M.T. Karuppiah)
Scientist - D & CPIO

Encl: As above (one page)

Copy to: Shri. N. Subrahmanyam, Scientist-C, Ministry of Environment, Forest and Climate Change, IA Division, 3rd Floor, Vayu Block, Indira Paryavaran Bhawan, Aliganj, Jor Bagh Road, New Delhi – 110 003 – with reference to your letter dated 27/9/2018.

(Dr. M.T. Karuppiah)
Scientist - D & CPIO



RTI REQUEST No. MOENF/R/2018/

dated 11.09.2018.

Available information are as follows:

Sl. No	Information sought	Available information
1	A copy of report presented by ITPCL for remedial programme taken for Vellar river mouth to keep it open. (As per EC Condition no. xxxvi)	No report is available with this regional office in this regard.
2	Six monthly Roadmap for implementation of Mangroves and others regulation and prevention (As per EC special conditions no. vi).	No report is available with this regional office in this regard.
3	Report of construction of Tsunami Bund with natural beach sand/dredged sand to avoid flooding (as per EC special condition no. x).	No report is available with this regional office in this regard.
4	Report on steps taken for socio-economic factors for the local people. (as per the special condition. xii).	No report is available with this regional office in this regard..
5	Report on monitoring sand bypass and nourishment of the coast on the northern side (as per EC special condition no. xvi).	No report is available with this regional office in this regard.
6	Copy of detailed coal analysis for all contracted coal sources for the project (EC under para no. 4 after special condition no. xiiv).	No report is available with this regional office in this regard.
7	Any report of project proponent compiling to the EC special condition vii. Which states (Adequate dust extraction system such as cyclone/bag filter and water spray system in dusty areas such as in coal handling and ash handling points, transfer areas and other vulnerable dusty areas shall be provided.	No report is available with this regional office in this regard.

However six monthly compliance report submitted by the project authority for the period up to April, 2018 is available and which contains 205 pages. Further we may request the RTI Applicant to inspect the records available in this office pertains to this project during office hours, if not satisfied with the reply.

Submitted please.

Dr.K.G.Prijilal

RO

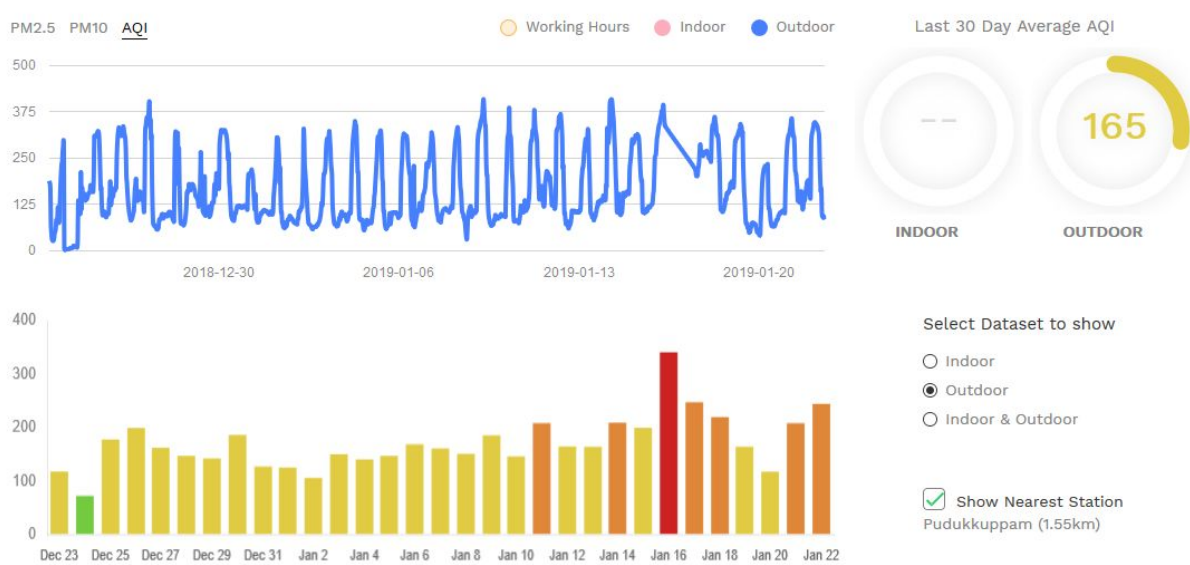
Director(Dr.CKP)



Annexure-6 EC dated 31.05.2010 (special Condition), (viii)

S.No.	Conditions	Compliance Status
(viii)	The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM (PM _{2.5} & PM ₁₀), SO ₂ , NO _x (ambient levels as well as stack emissions) shall be displayed at a convenient location near the main gate of the company in the public domain.	Complied and regularly uploaded. The criteria pollutant levels are displayed online at the Main gate of the Plant. Monitoring data is submitted to Regional Office of MoEFCC, CPCB & TNPCB half yearly.

Annexure 7 - Air quality data



Daily Average AQI from 23 December, 2018, to 22 January, 2019, in Pudukkuppam village



Daily average of PM 2.5 levels from 23 December, 2018, to 22 January, 2019, in Pudukkuppam village