



A CAG Initiative

stoppwatch

Monthly newsletter of Thermal Watch— an initiative to empower those impacted by thermal power plants

Niddodi UMPP in Karnataka shelved

In a development that would cheer environmentalists and locals, the Minister for Environment and Forests, B Ramanath Rai announced that the proposal to set up a thermal power plant in Niddodi (Moodbidri taluk, Dakshina Kannada district) has been shelved. He was speaking to presspersons after laying the foundation stone of the residential quarters for the staff of the Forest Department.

He said, "Yes, considering the opposition of the people to the project, we have stopped (the thermal power project)."

The proposed project was a 4,000 MW thermal power plant at Niddodi and it has faced resistance for several years now. The project was to be pursued by National Thermal Power Corporation. The announcement to drop the project owing to local opposition even before the proponent submitted an application the MoEF for environmental clearance shows the effectiveness of informing the local communities about an upcoming project at the earliest.

In the case of the Niddodi project, the opposition campaign was spearheaded by a non-governmental organisation, Mathru Bhoomi Samrakshana Samithi. The Samithi made several representations to the local bodies and CM offices regarding the ill effects of the Thermal Power Plant, and requested the authorities

to quash the proposal. Details about the proposed plant and site selection were obtained using the Right to Information Act. The group mobilized the people to protest against the plant through hunger strikes and dharnas.

Villagers in Niddodi, Yedapaduv, Nirude, Puttige, Kateel, Mucchuru, Padu Perar, Mudu Perar and Thenka Yedapadavu raised their objections to the project as it may cost their agriculture land. Rai told TOI that though the government had written to the Union Energy Ministry offering land for the setting up of the 4,000 MW ultra mega power project in 2013, it would not be implemented as there is objection from villagers.

"The state government has not sent any letter to the centre with regard to Niddodi power project after the last letter sent in 2013. The state government will not set up power project in Niddodi. The central government will also not go ahead with the project without the state's consent.

The central government will implement the power project only if the state government gives its consent," Rai said asserting that the state will not give its consent for the project.

Full News Reports: 1 & 2

PROJECT TIMELINE

2005:

Government of India announces Tadri Ultra Mega Power Project in Karnataka

2007:

Project said to be abandoned due to unfavourable political situation in the state

2013:

- * Karnataka state officials request the Ministry of Coal to set up a UMPP in coastal Karnataka in Niddodi.
- * Chief Minister Jagadish Shettar confirms the project in the Budget speech
- * CEA expert team visits Niddodi of Dakshina Kannada to study feasibility of site for project
- * Locals oppose plant as it includes fertile agricultural land and will contaminate groundwater
- * 2000 persons living around the proposed plant site sit on a daylong hunger strike against the project
- * Locals petition the CM asking that the project be dropped

2014:

May: Project abandoned

NGT orders investigation into fly ash pollution

The National Green Tribunal has ordered an investigation into fly ash pollution and its management in Singrauli industrial region in central India. This is just a week after the National Green Tribunal (NGT) ordered polluting industries in Singrauli to provide clean drinking water to the residents of the area or face closure. The order was passed by Justice Swatanter Kumar.

The region is known for its coal reserves and is the energy capital

of the country, generating about 10 per cent of India's coal-based power. A joint inspection is to be conducted by senior officer of the Central Pollution Control Board (CPCB) along with senior officer of Madhya Pradesh Pollution Control Board (MPPCB) and Essar Power Ltd.

Earlier in March this year, a report by the NGT appointed committee chaired by A B Kolkar, member secretary of CPCB, had identified a serious lapses in dis-

posal and management of fly ash in the area. Dry abandoned ash ponds were found to be left open without provision of proper vegetation cover. Trucks, often burdened with excess loads of coal and without proper cover, were noted to be adding to the pollution burden during transportation.

The bench has also asked the probe team to look into issues such as occurrence of fly ash in agricultural fields, and management of ash ponds and fly ash

silos.

The bench directed the secretary of state public works department, secretary for environment and the public health engineer to hold a meeting with all the thermal power plants and big industries of the area and to resolve all issues to ensure the implementation of water purification measures. The measures are to be implemented by industries both in Madhya Pradesh and Uttar Pradesh.

Full News Report

FAQs ON THERMAL POWER PLANTS – Part II

Q: How long does it usually take for a plant to get EC?

A: It depends on the size of the plant. Usually 1 to 1½ years is the time for a plant to obtain EC after filing of Application. The following are the time-bound activities according to the EIA Notification:

Issuance of ToR: To be issued within 60 days of Application submission by Project Proponent.

Conducting of Public Hearing: The Public Hearing Report to be submitted to the MoEF/ SEIAA by the SPCB within 45 days of receiving request for hearing from the Project Proponent.

Issuance of EC: To be issued within 105 days of the Project Proponent submitting the Final EIA

COAL MIX & COAL LINKAGE

Q: What should the Project Proponent do if the particular coal mix, for which EC has been obtained, is to be changed?

A: Project Proponent has to apply for a fresh EC for the new fuel mix. {This is stipulated under EIA Notification[2 (iii)]}

Q: Can a Project Proponent establish coal linkage before obtaining EC?

A: Yes! In fact, it is a prerequisite for granting EC. The status of the Forest & Environmental Clearance of the coal source- be it the linked coal mine or coal block - should also be specified in the EIA. If imported coal is to be used, the MoU between the coal supplier and Project Proponent is required to be included in the EIA.

The coal linkage can be through a specific mine, a basket of mines or through a dedicated coal block accorded by Standing Linkage Committee of the Ministry of Coal or the Fuel Supply Agreement.

Q: If the quality/type of coal (i.e. coal parameters), different to the one based on which the EC was issued, is required, what should the Project Proponent do?

A: If the coal parameters have changed, the Project Proponent should bring it to the attention of the MoEF, which will assess and incorporate new and additional conditions, if required.

PUBLIC AUTHORITIES IN THE EIA PROCESS

Q: Which Public Authorities/Government Offices are involved in the EC Process?

A: MoEF and SEIAA are the Regulatory Authorities that issue the EC. Category A projects are awarded clearance by the MoEF, while the SEIAA issues clearance for Category B projects.

SPCB is entrusted the task of conducting the Public Consultation by the MoEF and submitting the Public Consultation Report.

Q: Is the SEIAA a State or Central Government Body?

A: It is a Central Government Body! However, its Member Secretary and Chairman are nominated by the respective State Government. The Member Secretary has to be a serving officer of the concerned State Government.

DOCUMENTS AVAILABLE IN THE REGIONAL LANGUAGE

Q: What are the documents in the EIA process that, additionally to English, are to be available in the Regional (local) Language?

A: They are

The Executive Summary of Draft EIA, ahead of the public hearing.

A Statement of Issues raised by the public and responses given by the Project Proponent at the Public Hearing. This is compiled by the State Pollution Control Board.

SITE VISIT

Q: Who will visit the project site for any survey or study?

A: Accredited EIA Consultants will conduct surveys of the proposed project site and its neighbouring areas. According to an NGT order, EIA Consultants should gather some primary material about the socio-economic data in the area and carry out a preliminary survey to understand the basic needs of the people in the project area to form the Environment Management Plan.

The ToR will stipulate the distance around the project site for survey for the EIA.

Q: When can EAC/SEAC members visit make a site visit?

A: The sub-committee of the EAC/ SEAC can make a site visit at any stage of the EC Process. It is commonly done before the ToR is issued and/or after the Draft EIA is submitted.

TERMS OF REFERENCE

Q: Who draws up the ToR and the extent of the EIA?

A: The EAC/ SEAC!

The ToR, issued by EAC/SEAC, spells out the parameters of the EIA (e.g. the duration of the study (number of seasons), extent of study (number of kilometres around the proposed plant site) etc.)

FINAL EIA

Q: What is the allowable extent of difference between the Draft EIA and Final EIA?

A: The Final EIA cannot be drastically different from the Draft. Only those changes necessitated as part of the Public Consultation are permissible.

The EIA that is made ready and available before the Public Hearing is called the Draft EIA. It should cover all baseline study information, mitigation measures and any specialized study stipulated in the ToR. The EIA revised and submitted after the Public Consultation Process, to include the concerns of the public and additional measures to address these concerns, is the Final EIA. No change in baseline data or inclusion of specialized study information, as directed in ToR, can be incorporated after the Public Consultation Process.

Important observations & suggestions made by the National Green Tribunal while cancelling the environmental clearance granted to the Aranmula Airport

SPECIFY REASON FOR ACCEPTING MAJORITY'S VIEW IN EAC MEETINGS

Where a particular point is not decided unanimously by the Expert Appraisal Committee, specific noting should be prepared and scientific reasons for accepting the majority view should be recorded and maintained for future reference.

SPECIFY REASONS FOR ACCEPTING PROPONENT'S CLARIFICATIONS AFTER PUBLIC HEARING

All issues raised at the time of public hearing were not even stated in the recordings of the minutes. The detailed scrutiny as required by the notification in order to make an evaluation of the project has not been done since there is nothing to indicate in the minutes of the meeting that in respect of the issues raised at the time of public hearing i.e., objections raised at the public hearing and what was the correspondence and clarification made by Project Proponent thereon and why and for what reasons those objections were negated and the clarifications of the project proponent were accepted. Thus, the Tribunal is able to notice a thorough failure on the part of the EAC in performing its duty of proper consideration and evaluation of the project by making a detailed scrutiny before approving the same.

TOR HAS TO BE PROJECT-SPECIFIC

We have made a scrutiny of the 'Terms of Reference' and also the subject coverage in the EIA report. In our view, the ToR for EIA are not as exhaustive and project specific as they should have been. The EAC, whose role is of great significance in the decision making process, should have demonstrated its collective wisdom and professional acumen by being more "Project specific" while framing the ToR.

APPLICATION OF MIND REQUIRED FOR FRAMING EC CONDITIONS

We are of the considered view that the "conditions" cited are typical examples of the (in)famous "Copy and Paste" from the list of conditions appended to the EC of some

other project(s), without any application of mind and 'non-verification' of the document before placing the same for signature by the authorized signatory. We direct the MoEF to take steps to restore the sanctity of important documents such as the EC.

Even a cursory scrutiny of the impugned EC would reveal the mechanical mindset and total lack of application of mind on the part of the authorities issuing such an important document of utmost sanctity. Specific Condition No 10 in the EC asks the proponent to have a 'Master Plant for the project and other related facilities if any. Such other facilities shall be considered by the Competent Authority only after a Cumulative Environment Impact Assessment is carried out'.

The above condition refers to the carrying out of Cumulative Environment Impact Assessment, which is not applicable to the instant project, an airport project.

DISCOURAGE DATA COLLECTION PRIOR TO ISSUANCE OF TOR

The practice of collecting data even before the finalization of ToR by the EAC and the communication of the same to the project proponent is untenable in the eyes of law and it also sends wrong procedural signals. Accepting such a procedure is bound to set very unhealthy precedent. Instead of deprecating the practice, the EAC, in the instant case, has given its seal of approval. We direct the concerned officials of MoEF to take note of this and initiate procedural reform(s) to discourage this practice

FINAL EIA SHOULD ADDRESS PEOPLE'S CONCERNS

The EIA report did not assess the impact of the proposed activity on land, water air, environment and ecology of the area and it did not provide the required details in these respect as mandated by law.

At the time of the public hearing, the local people who participated in the public hearing voiced their concerns and objections to the draft EIA report. But none of the objections was addressed in the EIA report. It is pertinent to point out that when those objections and concerns were voiced by the partici-

pants during the public hearing, the proponent had given clear undertaking that a detailed EIA study would be conducted later. But, no material was placed to indicate that any detailed EIA study was conducted later.

Thus, in the instant case, even without a final EIA report, the other materials were taken up for appraisal and hence, both the appraisal by EAC and consequent clearance by MoEF have to be termed as faulty.

The consultant has categorically admitted that he submitted the EIA report in October, 2010, which is only a draft EIA report. The proponent has filed a report which incorporated the minutes of the public hearing details which are not only insufficient, but also cannot be termed as final EIA report.

CONSULTANT ACCREDITED FOR ONE CATEGORY IS NOT COMPETENT TO CONDUCT EIA FOR OTHER PROJECTS

The consultant contended that he has completed studies on two greenfield airports at Raipur and Vadodara and was the consultant for the construction in phase II of Chennai airport and his experience in the field would speak volumes of his competence. This contention has to be rejected. His competence has to be tested from the view point of EIA Notification, 2006 which governs the field. Airport projects are categorized as A to which he neither applied for nor was granted any projects. On the contrary, he applied twice and obtained accreditation only for the projects under Category B. Hence, he is incompetent.

Hence, it has got to be held that the consultant was not competent to make a study and prepare an EIA report for the airport project.

The EAC at the time of meeting never considered this vital aspect of the matter, but has recommended for the issuance of EC. This would certainly shake the very bottom of the recommendation made by the EAC since it was based on the EIA report given by the consultant, an incompetent agency.

Read Judgment

Category B projects in AP to be treated as Category A

An Official Memorandum issued by the Ministry of Environment & Forests on May 13, 2014, states that the "Member Secretary of Andhra Pradesh Pollution Control Board in a letter dated 29th April, 2014, has informed that the State re-organization for bifurcation is in process and appointed day for the new States is 02.06.2014. Names of the experts for constitution of SEIAA and SEAC for respective states will be forwarded after formation of new States.

- i) In the absence of a duly constituted SEIAA or SEAC for the state of Andhra Pradesh, Category 'B' projects shall be treated as a Category 'A' projects and appraised by Expert Appraisal Committee of the respective sectors.
- ii) After bifurcation and creation of new States, State Governments shall expedite the process for constitution of SEIAA/ SEAC for the respective State and submit the proposal to the Ministry at the earliest."

[Read Memo](#)

Punjab govt forms committee to ensure 100 % fly ash utilisation

The Punjab government has issued strict instructions to all agencies involved in construction of buildings and highways to ensure 100% utilisation of fly ash in accordance with the notification issued by the science and technology department.

According to an official spokesman, as per stipulations, all coal-, lignite-based thermal power stations or expansion units in operation in the state on the date of the notification would achieve 100% fly-ash utilisation within five years of the notification. The spokesman said it had been observed that agencies involved in the construction of buildings and highways were not utilising fly ash as per stipulations. To ensure the strict compliance of these instructions, the Punjab government has constituted a state-level committee for the constructive and purposeful use of fly ash emitting from various thermal plants of the state.

[Full News Report](#)

SUGGESTED READING

Growing water crisis in India

Without smart measures, the future of water availability looks bleak, according to this report. Although industrial consumption of water is a mere 7-8 percent currently, it is expected to quadruple from 2000 to 2050, reaching 18 percent in 2050.

87 percent of the water consumption in the industrial sector is by

thermal power plants. To generate 1 MW of power, you require 5-7 m³ an hour in older plants and 3.5-4 m³ of water an hour in newer units, according to data from Greenpeace. Lack of water is already crippling electricity generation. For instance, the Parli thermal power plant in Maharashtra, with an installed capacity of 1,130 MW, has been shut since February 2013 due to water-supply constraints. A total of 6 GW of coal-based generation capacity faced closure in 2011 and 1.5 GW in 2012.



CAG

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Established in 1985, Citizen consumer and civic Action Group (CAG) is an advocacy and campaigning group that works towards protecting citizens rights in consumer and environmental issues and promotes good governance processes including transparency, accountability and participatory decision-making.

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'Ageing plant being run to meet demand'

The over five-decade-old Thermal Power Station-I of the Neyveli Lignite Corporation, where an accident claimed the life of an engineer recently, is being run on the demand of the Tamil Nadu Generation and Distribution Corporation (Tangedco), according to NLC Chairman-cum-Managing Director B. Surender Mohan. Mr. Mohan told *The Hindu* that to tide over the power shortage in Tamil Nadu, TPS-I was being operated.

TPS-I has nine units — six units of 50 MW each and three units of 100 MW each. These units have been established with Russian expertise over eight years, from May 1962 to September 1970. In March 1992, life extension programme was carried out in the plant at a cost of Rs. 315.23 crore. The work was completed in March 1999. Mr. Mohan said the plant was expected to be in operation till 2017. He underscored that a committee of experts had been periodically carrying on residual life assessment of the plant and issuing guidelines for maintenance.

Asked whether the plant would be decommissioned in the aftermath of the accident, Mr. Mohan said the NLC Board of Directors had approved the tapering down of power generation to 300 MW this year and a gradual shut-down of the remaining units. Mr. Mohan said the Centre sanctioned 2x500 MW Neyveli New Thermal Plant (NNTP) in June 2011, and orders had been placed with the Bharat Heavy Electricals Ltd. for fabrication of equipment. "The 1,000-MW NNTP plant would be in place by 2017 when the 600-MW TPS-I plant would be dismantled."

[Full News Report](#)