



stoppwatch

A CAG Initiative

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

SNEAK PEEK

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SEIAA websites for timely updates. How effective?

For an effective intervention by any community likely to be affected by a proposed power plant, access to project-related documents is key. Realising the importance of making information available on the internet, the EIA Notification, MoEF circulars and NGT orders have detailed what documents should be uploaded and where.

Local communities with access to the internet will have to constantly look for updates in the MoEF/State Environment Impact Assessment Authority(SEIAA) websites about upcoming projects. The basic documents that communities will have to access are Form I & Prefeasibility Report, Terms of Reference (ToR), Draft EIA & Summary, Public Hearing proceedings, Final EIA and Environment Clearance (EC).

These documents should be uploaded on the MoEF/SEIAA website. The Public Hearing re-

port has to be uploaded on the State Pollution Control Board website.

In the SEIAA websites of Andhra Pradesh and Tamil Nadu- where the concentration of TPPs is high, timely uploading of information is not to be seen. In fact, in TN, none of the documents pertaining TPPs have been uploaded. The reason for this-

revealed in an RTI response- being "The upgraded website was launched recently." The response also says that the time taken to upload information depends on its volume as "there is no staff exclusively assigned the work of uploading" which is done by "one typist in addition to the routine work". Compare this with Karn-

taka SEIAA, where even a project in the initial stages (ToR issued) has a folder of documents including the Form I, PFR, ToR, Effluent Treat Plant, Sewage Treatment Plant Flowsheet and Water Balance Diagram. Information updates in Kerala happen at a brisk

pace, but the concentration of thermal power plants is rather poor, with an RTI request from its SEIAA revealing that no TPPs have been proposed this year.

In order to facilitate quick uploads online, a circular by the MoEF states that applications should be accepted by the SEIAA only if they are accompanied by soft copies. This has not been in practice in TN where CDs for upcoming projects are not available yet.

TN SEIAA has stated that the time taken to upload a document depends on its volume as one typist does all the uploading

For the local communities, the Draft EIA and its summary are a must ahead of the Public Hearing. The summary is uploaded on the SPCB site in English and regional language. The minutes of the hearing have to be finalised and sent to the MoEF within 8 days by the SPCB. The report has to be uploaded online. But with no time-frame announced, this report is not available immediately in most websites. In Andhra Pradesh, for example, public hearing reports for projects held five months ago, are yet to be uploaded.

Even when ToRs and ECs are not uploaded, local communities can access the SEAC/EAC meeting agenda and minutes in the SEIAA/ MoEF websites- to check if any progress has been made regarding the project concerning them. The minutes are uploaded without delay only in Tamil Nadu's and Kerala's SEIAA websites.

- Editorial Team

Communicate EC effectively, NGT tells proponent

Date of effective communication to be considered to calculate the limitation period for NGT appeals

Environmental Clearance (EC) orders should be 'effectively communicated' to all stakeholders for a proposed project through newspaper advertisements, display in local government offices and uploading the order on the MoEF & proponent website. The time it was effectively communicated would be considered for calculating the date for limitation for filing a fresh case, the National Green Tribunal recently stated while passing a judgment on a review petition by the Adani Group.

Petitions to the NGT are time-barred, and allowed only within 30 days of the cause of action, extendable to 90 days with sufficient justifi-

cation for delay. This means that a person appealing against the EC issued to any project can do so within 30 days of the order. A recent NGT judgment by Justice Swatanter Kumar on November 28, however, says that the date of effectively communicating the order and not the date of issuing the order should be considered for the limitation clause.

In January 2013, activist Medha Patkar filed a petition against the EC granted to the 2 x 660 MW imported coal-based power plant by Adani Powertech Group (Madhya Pradesh) contending that it was granted arbitrarily as the Public Hearing was not conducted in accordance with EIA

Notification, 2006 and subsequent regulations. However, Adani Group argued that the said petition was not maintainable and attracted the limitation provision under the NGT act. This clause was mentioned as the EC was granted in October 2012, while the petition was filed 75 days later. The NGT rejected Adani's argument to which they subsequently filed a review petition.

The NGT dismissed the review petition holding that mere uploading of the EC orders on the MoEF website could not be considered an 'effective communication'. The date for limitation would be calculated from the time the EC was 'effectively communicated' to all

stakeholders and affected people, the NGT said.

Referring to the Save Mon Region Federation's judgment 14th March 2013, the tribunal directed the MoEF to upload the EC orders within 7 days of its issuance. Further, it stated that all ECs should be uploaded for at least 90 days in the MoEF website and for a period of 30 days, at the notice board of principal as well as concerned regional office. Further, NGT directed Project proponents to ensure that the clearance order is advertised within seven days in at least two local newspapers circulated in the region around the project.

Read judgment

12 THINGS YOU NEED TO KNOW ABOUT THE EIA PROCESS

1 What Is EIA?

Before the establishment of a TPP, the project proponent has to conduct a study that predicts the potential environmental impacts of the proposed project and suggest methods to mitigate the same. This process is called the Environment Impact Assessment (EIA) and is mandated by the Ministry of Environment and Forests (MoEF), the nodal agency for all environment related issues in the country

3 When should a proponent apply for the EC?

Before any construction has begun in the proposed project site. In fact, only the following activities are permitted on the land before EC has been issued:

- * Cleaning of site
- * Putting up a fence
- * Installing temporary sheds with basic amenities for labour

5 Who does the EIA?

The project proponent. He should use the services of a consultant accredited with NABET for this

7 Which judicial forum should I approach for violations in the EIA process?

In case of any violation of Environment clearance-related rules (EIA notifications), one can approach the National Green Tribunal within 30 days of such violation

9 When can the people voice their concerns about a project?

During the public hearing, which is conducted before drafting Final EIA report. Local communities can also give written submissions about a proposed project to the respective State Pollution Control Board or regional environment ministry office, before or after the public hearing.

It is mandatory for project proponents to respond to your queries

11 Who conducts the public hearing?

The State Pollution Control Board in the proposed project site is the authority entrusted with the responsibility of conducting the Public Consultation, and sending out a report of the proceedings to the Ministry of Environment & Forests or State Level Environment Impact Assessment Authority as required

2 What is EC?

An Environment Clearance is a document issued by the Ministry of Environment & Forests at the end of the EIA process, with specific and general conditions imposed on the project pertaining its environmental impact

4 Who issues the EC?

If generation is

- ≥ 500 MW if it were coal/lignite/naphtha/gas based
- ≥ 50 MW in case of Pet coke diesel and all other fuels including refinery residual oil waste, except biomass
- ≥ 20 MW in case of biomass or non-hazardous municipal solid waste as fuel

then, EIA clearance is given by the MoEF based on recommendations given by Expert Appraisal Committee (EAC), constituted by the Central Government

For smaller plants, the EIA clearance is given by the State Environmental Impact Assessment Agency based on recommendations of the State Expert Appraisal Committee

6 Where has the EIA process been detailed?

This has been done in the Environment Impact Assessment Notification of 2006, issued by the Ministry of Environment & Forests

8 How long is an Environment Clearance valid?

Environment Clearances are usually issued for 5 years, after which they can be renewed

10 How is the Environment Impact of a plant assessed after clearance has been issued?

The Environment Clearance is issued for a project along with conditions that should be complied by the proponent. Project proponents are required to submit a half yearly report to the MoEF detailing the compliance to these conditions

12 Does the EIA include details of the socio-economic impact of the proposed project?

Yes! Environment is to be interpreted broadly and issues concerning the social as well as economic (including livelihood) impacts are part of EIA studies and can be raised during public hearings. Thus Social Impact, Rehabilitation & Resettlement Action Plans are part of EIA studies

Make clear demands at Public Hearings

Observations from the public hearing for the TNPL plant in Manapparai, Trichy

The Manapparai Block in Trichy District, Tamil Nadu, is categorized an over-exploited zone in terms of groundwater. Proposed in this block's Mondipatti village is Tamil Nadu Newsprint & Papers Limited's coated board project, which has a 30 MW captive power plant. The plant will draw 15,000 m³ of water daily from the district's major water source, the Cauvery, and plans to use its treated water for irrigational purposes for land near the plant site.

Three things emerged from active participation of NGOs and local communities in the public hearing held in November. Firstly, they raised a demand for piped drinking water- fearing contamination of groundwater by the plant. There was no mention of this in the EIA summary but the proponent readily accepted the request. When asked to name the villages that would be

supplied drinking water, the officials- however- could not provide details and said it would be finalized later, based on requests from Panchayats.

The CSR allotment was defined as 3 % of net profit, but without being numbered, there was no way the local communities could ascertain if the CSR plans listed were feasible. Following repeated demands for a specific amount, the company committed to allot at least Rs 1 crore annually.

Third, when asked to detail which farm owners had agreed to use the plant's treated waste water, the project's representatives said it would be done only upon farmers' requests for this. This clearly was not what the EIA summary implied, when it said treated wastewater will also be used to irrigate 500 acres of land! Getting

this detail helped farmers who were at the public hearing question the water available to irrigate their farms.

The EIA Notification says it's mandatory for the SPCB representative at the hearing to read out the recorded minutes at the end of the meeting, so participants can make sure their comments have been included. The public hearing ended without this, but the minutes were later read out when we (from CAG) insisted on it.

The EIA notification also mentions that the public hearing minutes have to sent within 8 days and be displayed prominently in several government offices. Sadly, one month after the meeting, grassroot organizations are still trying their luck with different authorities - SPCB, District Environmental Engineer's office and the SEIAA- to access the PH report!

NTPC to add 14,000 MW to its total capacity by 2016-17

NTPC's current installed capacity is 42,500 MW including the capacity addition of 10,000 MW in the last three years, chairman and managing director of power producer NTPC, Dr Arup Roychowdhury, recently said.

The power company has registered a growth of 4.49 per cent of power in this fiscal year. The power production of NTPC run power plants last year was 222.068 billion units which increased to 232.028 billion units. The company continues to command a dominant share in power production with 27.37 per cent of total power produced.

For three consecutive years, the company has been performing at the peak capacity in power production. The chairman said the state-run company will soon place orders to procure power equipment for 5000 MW. New projects planned include Tanda (1320 MW), Daripalli (1600 MW) and North Karanpura (1980 MW). [*Full News Report*](#)

Big companies in the fray for Cheyyur UMPP

Eight companies have evinced interest in developing the Rs 24,200-crore controversial Cheyyur ultra mega power project (UMPP) in Tamil Nadu and have participated in the bidding process.

According to Power Finance Corporation (PFC), the nodal agency for UMPPs, eight firms had submitted requests for qualification (RFQs) for the project. "The companies are NTPC, Adani Power, JSW Energy, Jindal Power, China Light & Power, GMR Energy, L&T and Sterlite Infraventures," PFC said in a statement. Debt-ridden GMR Energy is the only new entrant in the race for the two UMPPs. The other applicants are also competing for a similar sized project to be located in Odisha. Also, Tata Power, which had submitted an RFQ for the Odisha UMPP, has chosen not to compete for the Cheyyur UMPP. PFC official issued a statement claiming that all the necessary Government clearance including, land, water, air and Environmental clearances have been granted for the project. [*Full News Report*](#)

Overhaul awaits worn-out Tuticorin Thermal Power Plant

Bogged down by repeated technical snags hitting electricity generation in a power-starved state, the Tuticorin Thermal Power Station (TTPS) authorities have decided to shut down the third unit of the 5x210 MW plant for complete overhauling in December.

TTPS has sought funds from the government for overhauling of the remaining units too. "For now, we will overhaul the third unit and replace worn out parts," said S Valliyappan, chief engineer, TTPS. The 5 x 210 MW plant has been crucial in addressing the electricity needs of the

state. But the units, weary of running throughout the year, have been suffering frequent failures.

Though all the units need overhauling and replacement of worn out parts, TTPS authorities have picked up the third unit to begin with. The third unit of the plant alone had to be shut down six times in the last two months. "The production in the third unit would be stopped for about 30 days for the work," Valliyappan said.

Tenders have been called for carrying out the work. Major parts that were found to go faulty

very often would be replaced as part of the work. "The work will be completed by the year end," Valliyappan said.

The authorities at TTPS have also sent a proposal to the Centre seeking funds to repair all the units. Three units of the plant were established in 1977 while two more were established in the 1990s. TTPS authorities pointed out that average life of such thermal plants was 25 - 30 years and that complete overhaul was essential for smooth functioning of the plant.

[*Full News Report*](#)

Coal ash in Lake Sutton kills more than 9 lakh fish every year

A new study has confirmed that Duke Energy's toxic coal ash pollution is killing more than 900,000 fish and deforming thousands more each year in Lake Sutton, a popular fishing destination just outside of Wilmington, NC.

Progress Energy owns and operates Lake Sutton NC as a cooling reservoir for the L.V. Sutton Steam Plant, a coal-fired generating facility. The lake is used as a disposal site for coal ash wastewater from the power plant and it is also open to the public for fishing.

The study was conducted by Dr Dennis Lemly, Research Associate Professor of Biology at Wake Forest University and a leading expert on selenium poisoning. He analyzed more than 1,400 fish from the lake and found disturbing mutations in several species of fish.

One of the many jaw-dropping revelations in the study was the fact that no juvenile largemouth bass (less than 3 inches long) was found in two separate collection events at Lake Sutton. The largemouth bass is a key ecological, recreational, and human subsistence-use species in Lake Sutton. Recent fisheries monitoring by Progress

Energy and the North Carolina Division of Inland Fisheries shows that the population of "catchable" size bass has declined by over 50% since 2008. Size distribution data show that there are very few small individuals (<10 cm) present in the population, coupled with unusually high mortality of adult bass and unstable population structure. These circumstances indicate that, on the whole, largemouth bass are not doing well in Lake Sutton. Studies of other selenium-

polluted power plant lakes in NC show that largemouth bass are very susceptible to selenium poisoning and they are one of the first species to be detrimentally affected due to selenium-induced reproductive impairment, apart from bluegill and Lepomis.

The most recent fish population assessment of Lake Sutton by the North Carolina Wildlife Resources Commission noted that largemouth bass were in "poor condition," declining 50 percent in both abundance and size between 2008 and 2010.

The value of lost natural resources at Lake Sutton goes well into the millions of dollars each year. The replacement cost of the lost fish is more than \$4.5 million per .

There are 22 other cases where coal-fired power plants caused severe damage to fisheries in Texas, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, Michigan, Georgia, West Virginia, Wisconsin and Wyoming. The total estimated cost of all these fishery damage cases is \$ 2.32 billion. Lake Sutton is the 23rd public fishery to be severely damaged by toxic discharges from a coal-fired power plant. ***Full News Report***

What is Selenium?

Selenium is a non-metal contaminant in coal ash waste water and can cause developmental abnormalities and reproductive failure in fish



watt's up?

Public hearing announcement

A public hearing has been scheduled for January 8, 2014, for the proposed 1 x 3.7 MW coal-based thermal plant by M/s Perfetti Van Melle India Private Limited at their existing sugar confectionary manufacturing facility in Karanaipuducherry village in Chengalpattu Taluk in Kancheepuram District. The public hearing will be held at Abirami Thirumana Mandapam, No. 16 & 17, GST Road, Urappakkam-603210 (Opp. Sri Sankara Vidyalyaya

School), Chengalpattu Taluk at 11 am.

Written responses to the project can be sent to District Environmental Engineer, Tamilnadu Pollution Control Board, Maraimalai Adigalar Street, Next to Municipal Office, Maraimalai Nagar, Chennai-603 209. Kancheepuram District. Email: tnpcb@md3.vsnl.net.in or tnpcb@dataone.in ***Read EIA Summary***

Other plants proposed

Jaya Thermal Power India

450 MW plant in Mel Thattapparai in Pudiamputhur taluk in Thoothukudi
Revised ToR issued on August 30, 2013. (Proponent had earlier obtained ToR but that was for a plant with lesser capacity)

Virupaksha Thermal Power Plant

450 MW plant in Mel thattapparai, & Pu-

diamputhur villages in Ottapidaram taluk in Thoothukudi

Project proponent: Virupaksha
ToR issued on May 17, 2013

Auck Energy Pvt Limited

60 MW Plant at Karunkanni Mahili village in Kilvelur taluk in Nagapattinam
ToR issued on May 23, 2013



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About CAG:

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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