



A CAG Initiative

stoppwatch

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

New Environment Regulator to appraise, approve & monitor projects

The Supreme Court has directed the Union of India to appoint an environment regulator with offices in as many states as directed in the Lafarge case, and file an affidavit along with the notification appointing the regulator in compliance of this direction by March 31, 2014. This judgment was passed on January 6, 2014.

Background

In July 2011, the Supreme Court had laid down guidelines to be followed by the MoEF, while it was passing an order on the Lafarge Umiam Mining Private Limited Vs the Union of India and Others case. The judgment specified the Central Government to appoint a national regulator to appraise projects, enforce environmental conditions for approvals and impose penalties on polluters. The Central Government, however, took no action on this due to which, in September, 2013, the court asked Solicitor General Mohan Parasaran to appraise the court about when its orders would be complied with.

In response, Mr Parasaran submitted that it was not necessary for the Central Government to appoint a regulator as an appropriate mechanism for appraising projects as well as moni-

toring and enforcing compliance of environmental conditions that govern environmental clearances is already in place. He also submitted that the guidelines issued by the court in the said judgment were in the nature of suggestions, and the ministry was considering these suggestions and is yet to take a decision on them.

The court, however, recalled its judgment on the Lafarge Umiam case that 'Section 3 of the EPA confers a power coupled with duty and thus, it is incumbent on the Central Government to appoint an appropriate authority, preferably in the form of regulator, at the State and Central level for ensuring implementation of the National Forest Policy, 1988.' The Bench comprising Justices Fakkir Mohamed Ibrahim Kalifulla, Surinder Singh Nijjar, AK Patnaik- noted that Mr Parasaran was not right in arguing that it was merely a suggestion from the Court and not a mandamus.

The Lafarge order specifies that the court 'has not found the mechanism of making EIA appraisals of projects by the MoEF to be satisfactory.' It also mentions the shortcomings in the EIA process, based on a report by IIT Bombay on the Scope, Structure and

Process of National Environment Assessment and Monitoring Authority. (Access Report [here](#)).

The recent judgment has noted that the present mechanism under the EIA Notification of 2006 with regard to processing, appraisals and approval of the projects for environmental clearance is deficient in many respects and what is required is a regulator at the national level.

Regulator's presence

The Supreme Court order has specified that the Regulator should be appointed at the National level having its offices in all the states

Scope of the Regulator

The order has stated that the regulator should

- Carry out independent, objective and transparent appraisal & approval of the projects for EC
- Monitor the implementation of the conditions laid down in the EC

Difference between Regulator & NGT

The Lafarge order has stated "The difference between a regulator and a court must be kept in mind. The court/tribunal is basically an authority which reacts to a given situation brought to its notice whereas a regulator is a

proactive body with the power conferred upon it to frame statutory rules and regulations. The regulatory mechanism warrants open discussion, public participation and circulation of the draft paper inviting suggestions."

Currently, it is not known if the Regulator will replace the EACs and SEACs which are entrusted the task of conducting appraisal of the projects, under EIA Notification 2006. Environment advocate and activist Ritwick Dutta, [says](#) "At present, the EACs are advisory bodies, but the Regulator will be a decision making body. In view of this, the EIA Notification, 2006, will surely have to be amended since the Notification is based on the premise that the final decision will be of the MoEF."

[News reports](#) suggest that the EAC will be shifted out of the Environment Ministry's ambit, to come under the regulatory body. *Business Standard* quotes a ministry official as saying "There will be a two-layered system, keeping the EAC alive. This would mean that appointments to EAC would be made by the regulator." The concept of a regulator was mooted in Jairam Ramesh's tenure as Environment Minister.

Polluting MP power plant asked to stop operations

Essar Energy's Mahan-I 600MW coal-fired power plant in Singrauli district has been ordered to stop all operations by the Madhya Pradesh Pollution Control Board.

During the monsoons in September last, MPPCB's regional office in Singrauli reported that large quantities of fly ash — an effluent discharged during the combustion of coal — was flowing from the plant into the Garha stream and surrounding areas. In reply to a notice sent to Essar's local subsidiary, the company said that a new ash dyke to store the ash was under construction and that illegal

discharge of ash outside the factory had taken place due to unexpectedly heavy rainfall.

Not satisfied with their response, the MPPCB ordered it to stop all operations on January 13. The company has also been asked to build a permanent ash dyke, install a continuous ambient air monitoring station, a sewage treatment plant and a tree plantation. Only on completion of these works can the company apply for permission to restart operations.

Essar has two 600 MW power plants in Mahan. While Mahan-I started Commercial Operations in April, 2013,

Mahan-II is under construction. Both plants intend to draw coal from the Mahan coal block, which has proven reserves of 150 tonnes of coal, where mining has not yet started as clearances have not yet been granted.

The forest in Mahan is home to 14,000 people, including Agria, Kol, Khairwar, Gond and Panika tribes. Objections were raised by the Union Ministries of Environment and Forests and Tribal Affairs over endangering biodiversity and violation of forest rights

Despite this, the Rs. 6,500 crore joint venture of Essar and Hindalco to

mine in Mahan was granted clearance due to "huge exposure to nationalised banks."

Greenpeace's Media Officer in Singrauli, Avinash Chanchal told *The Hindu* that the factory continues to violate rules. "Their ash dyke is just across the road from a settlement. It poisons the water table and pollutes the air causing lung problems."

Essar House Limited filed a defamation suit against the activists on Monday. While company sources said it is for Rs. 500 crore, Greenpeace said it was a Rs. 1,000 crore suit.

Full News Report

The Public Consultation Process

STEP 1

DAY 1: Proponent requests SPCB to conduct Public Consultation

The Draft EIA and Executive Summary of EIA in English and local language to be submitted to:

MoEF& its Regional Office
 State Pollution Control Board
 District Magistrate/ District Collector/Deputy Commissioner
 Zila Parishad/Municipal Corporation/Panchayat Union
 District Industries Office/ Urban Local Body/ Panchayat/Development Authority

STEP 2

Before DAY 7: SPCB announces details of Public Consultation

Public Hearing:

Details of hearing to be advertised in a vernacular and English daily
 In places where newspapers do not reach, details to be advertised through Radio/TV & through beating of drums

Availability of draft EIA:

Summary of draft EIA to be available in SPCB Website & MoEF website
 Draft EIA & its summary to be available as hard/ soft copy at the offices mentioned in Step 1 and in locations indicated in the newspaper advertisement

Written Response:

Address and email address to which written responses can be sent to be mentioned in Public Hearing announcement
 Written responses are accepted for 1 month, till the date of Public Hearing

STEP 3

BEFORE DAY 45: SPCB to complete PC and submit report to MoEF/ SEIAA

Public Hearing Process:

SPCB to note the names of all the participants, take down minutes and record proceedings and ensure fair opportunity for all to participate meaningfully
 Project proponent to present important details of the proposed project (especially social & environmental impacts) & the Executive Summary of Draft EIA
 Participants to ask questions and voice legitimate concerns.
 Project proponent to respond with clarifications and proposed mitigation.
 SPCB to read out and explain in local language the recorded minutes with corrections, if required, agreed to by all
 District Magistrate/ Deputy Commissioner/ District Collector to sign the minutes at venue
 SPCB to submit Public Hearing Report to MoEF/ SEIAA

Public Hearing Report consists of:

Minutes of the Public Hearing
 Statement of each of the issues raised by the public and the comments of project proponent in tabular form
 Copy of the video recording of the Public Hearing

Availability of Public Hearing Report: The report should be conspicuously displayed in English & Regional Language in:

Panchayat, Zila Parishad
 District Magistrate
 State Pollution Control Board, State Pollution Control Board website

'People's voice stifled at NTTPS public hearing'

Activists have termed the environmental public hearing on capacity expansion of Narla Tatarao Thermal Power Station (NTTSP) a farce as the focus was mostly on Corporate Social Responsibility (CSR) schemes and other livelihood issues rather than on pollution that exceeded permissible levels.

The public hearing did not feature the mandatory presentations by AP Pollution Control Board (APPCB), and Ramky Enviro Engineers Limited (REEL) which prepared the Environment Impact Assessment (EIA) report, said K. Babu Rao, retired scientist of the Indian Institute of Chemical Technology (IICT) who was one of the experts who vehemently opposed the project.

The alleged inaction on the part of APGenco in mitigating the impact of pollution caused by the existing units of 1,760-MW capacity was the crux of the problem but APGenco Director (Projects)

C. Radha Krishna read out the action taken report even as the villagers screamed that nothing was done to control the depositing of a massive quantity of coal dust on their houses and crops in a radius of 10 km from the NTTSP.

The voice of the common people could not be heard by APGenco Managing Director K. Vijayanand and District Collector M. Raghunadana Rao for most part of the nearly two-and-half hour stock-taking exercise as leaders of the all-party committee raised a hue and cry from the beginning.

Mr. Vijayanand's promise to give opportunity to every individual to speak did not fructify due to the pandemonium that prevailed right from the word go.

The aggrieved public could only shout from the galleries in which they were made to sit under the watchful eyes of the police who were pre-

pared to deal with any contingency.

Mr. Babu Rao told *The Hindu* that APPCB and REEL were supposed to make detailed presentations during the public hearing but the agenda was subverted by vested interests.

He said he wrote a letter to the District Collector expressing his resentment on the stifling of people's voice and asserted that the aggrieved public appears to have no alternative except taking to legal recourse.

Coal-fired power technology is outdated, he said. The expansion of NTTPS might be justified from the demand-supply gap perspective but so many things were blatantly ignored by the Government agencies, Mr. Babu Rao observed.

[Full News Report](#)

Related news reports can be found [here](#) & [here](#).

TANGEDCO keen on settling contracts for TPPs

With the Union Ministry of Environment and Forests issuing environmental clearance for the 1,320-MW (megawatt) Ennore Special Economic Zone (SEZ) thermal power project early this month, the Tamil Nadu Generation and Distribution Corporation (TANGEDCO) is keen on settling contracts for three thermal power projects of 3,300 MW capacity. Else, the power utility may have to wait for three or four months before proceeding further on the tenders for the projects, sources say.

Of the three projects, the Udangudi and Ennore SEZ thermal power projects have a capacity of 1,320 MW each. Technical specifications provided by bidders for these projects are under scrutiny.

In both these projects, three Chinese firms and the Bharat Heavy Electricals Limited (BHEL) have participated in the bids. In respect of the 660-MW ETPS (Ennore Thermal Power Station) expansion project, the the lowest bidder, Lanco Infratech, has won the contract, using the mode of Engineering, Procurement and Construction (EPC). The projects – Udangudi and ETPS expansion project – received environmental clearance in October last and June 2009 respectively.

Among the specific conditions laid down by the Union Ministry in respect of the Ennore SEZ project are the formulation of a vision document, specifying perspective plan, within six months; harnessing solar power through roof-top installations; no transportation of imported coal by road and carrying out a long-term study on radio activity and the presence of heavy metals contents in coal through a reputed institute.

No waterbodies including natural drainage system in the area should be disturbed due to activities associated with the setting up/operation of the power plant.

[Full News Report](#)

MP High court issues notice to Centre, state govt on fake hearing

Taking note of an alleged ghost public hearing hosted by the Katni administration to garner support for Welspun Energy, the Madhya Pradesh high court issued notices to the company, the Environment Ministry and State Environment Department.

Welspun's proposed thermal power plant at Katni has been in the eye of storm for two years and has triggered mass protests over alleged forced acquisition of agriculture land with help of local officials. The PIL filed by Durga Patel terms the public hearing as a biased affair to favour the company's plans, Patel submitted before the court death certificates of 21 villagers. These men, he claimed, died several years ago, yet were recorded as participants at the meeting to mobilise support for setting up the plant. Another list of 70 participants, he claimed did not reside in Bujbuj village but were outsiders invited to bolster numbers in favour of Welspun. Also submitted before the court were 50 to 60 names that were repeated to flaunt a bloated figure of support in official records of hearing proceedings.

[Full News Report](#)

NTPC approves Rs 12,532 crore for Sundargarh plant

The Board of Directors of NTPC Ltd, the country's biggest power generator, has approved an investment of Rs 12,532.44 crore for the 1,600 MW (2x800) super thermal power project to be set up at Darlipalli in Odisha's Sundargarh district.

The super thermal power station is expected to be commissioned by 2018. The Darlipalli super thermal power project will draw water from the Hirakud reservoir in the Mahanadi river.

NTPC has secured coal linkage for this project in the form of Dulanga coal block with mine capacity of seven million tonnes per annum (mtpa) under command area of Mahanadi Coalfields Ltd (MCL) and Pakri Barwadih block in Bihar's Hazaribagh district with a mining capacity of 12.5 million tonne per annum (mtpa).

[Full News Report](#)

Power plant's toxic ash polluting rivulet that caters to 23 villages

Residents of 23 villages in Seraikela-Kharsawan have alleged that Kandra-based thermal power plant Adhunik Power and Natural Resources Limited (APNRL), which started production over a year ago, is ruining their lives with the toxic fly ash it generates, creating yet another conflict between industry and community.

The Adhunik power plant, located at Padamdih village in Kandra along Tata-Kandra road, only 15km from Jamshedpur, commissioned its first two phases of 270MW each, generating 540 MW power a day since October 2012.

According to company spokesperson Anand Kumar, the power plant uses 3,500 tonnes of coal and generates 1,500 tonnes of fly ash a day, but he claimed they set up an ash pond to capture "bottom ash" and installed an electrostatic precipitator, back filter and dry-spraying systems to trap air particles.

But local residents claim otherwise. They say the fly ash from the power plant makes its way to a rivulet that runs through as many as 23 villages dotting the district till it meets the Subernarekha, harming farmland, flora and fauna.

"Since ages, we have been bathing, washing

clothes, cleaning utensils and even watering our farms with the water from the rivulet. This apart, our cattle used to drink water from the rivulet. But ever since the power plant started functioning, the water has turned whitish," said Karma Mahto of Dhatkidih village.

Villager Madan Mahto of adjoining Rapcha claimed many villagers stopped growing crops after they failed last year. "When the plant started functioning, our cattle died and people in

this area turned to other alternatives for water as the rivulet turned toxic," Madan Mahto said.

Residents of 23 villages recently approached Akhil Bharatiya Adivasi Mahasabha, a tribal outfit that works to safeguard the interests of local people, to mount pressure on the company to stop polluting the rivulet. The delegation met Seraikela subdivisional officer (SDO) Chandra Bhushan Singh, urging him to take strong steps to curb pollution.

"We can't let villages be deprived of water they had been enjoying since ages. We will force the Adhunik power plant to either take necessary steps to ensure a pollution-free environment or else close the plant," said outfit president Hari Tuddu.

SDO Singh confirmed the delegation had submitted him a petition, seeking immediate steps against the power plant. "As this is a serious charge, I immediately wrote a letter to JSPCB's regional officer, asking him to collect water samples from the rivulet and send them to a lab for a chemical test," Singh said. "As fly ash contains harmful oxides, it affects human and animal skin, and causes stomach diseases," said environmentalist K.K. Sharma.

Full News Report



Fly ash mixed with sewage flows through a drain (above) near the Adhunik power plant at Kandra near Jamshedpur, while a polluted rivulet winds its way through Pindrabera



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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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Suggested reading

Licence to plunder

In order to win the confidence of the power industry players, Environment Minister Veerappa Moily is said to have cleared over 70 projects within 20 days of assuming office. This report analyses the worrying trend in issuing clearances, with a special focus on the Posco steel plant, Teesta Stage IV Hydroelectric project, and the Lakhwar multipurpose hydroelectric power project.

India's worrying Sulphur Dioxide emissions

Emission of Sulphur Dioxide in India has increased by more than 60 per cent between 2005 and 2012, according to an analysis of data from NASA by a team of scientists led by Zifeng Lu of Argonne National Laboratory. India is now the second largest emitter of Sulphur Dioxide after China.

While some atmospheric SO₂ is produced by volcanoes and other natural

processes, a substantial amount is produced by human activities such as the combustion of fuels with sulfur-containing impurities and the smelting of metals such as copper and nickel. It is estimated that about half of the emission is from coal fired power plants.

With over 100 new generation units planned by 2030, India's coal power expansion is set for a giant leap. This report traces the problems of coal-based plants felt by local communities.

In ash-struck Panipat village, no brides for young men

A report on soil contamination in Panipat's Sutana village, due to seepage of effluents from the bottom ash generated by the Panipat Thermal Power Station.

The news report vividly explores the extent of premature deaths caused by coal-powered industrialisation, quoting international studies.