

## **MINUTES OF THE 8<sup>TH</sup> MEETING OF THE RE-CONSTITUTED EXPERT APPRAISAL COMMITTEE (EAC) ON ENVIRONMENTAL IMPACT ASSESSMENT (EIA) OF THERMAL POWER PROJECTS**

The 8<sup>th</sup> Meeting of the re-constituted EAC (Thermal Power) was held on 24<sup>th</sup> July, 2017 in the Ministry of Environment, Forest & Climate Change at Teesta Meeting Hall, VayuWing, First Floor, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi under the Chairmanship of Dr. Navin Chandra. The following members were present:

- |     |                            |   |                                 |
|-----|----------------------------|---|---------------------------------|
| 1.  | Dr. Navin Chandra          | - | Chairman                        |
| 2.  | Dr. Narmada Prasad Shukla  | - | Member                          |
| 3.  | Shri N. Mohan Karnat       | - | Member                          |
| 4.  | Dr. Jai Krishna Pandey     | - | Member                          |
| 5.  | Shri Gururaj P. Kundargi   | - | Member                          |
| 6.  | Shri Suramya Dolarray Vora | - | Member                          |
| 7.  | Shri N. S. Mondal          | - | Member (Representative of CEA)  |
| 8.  | Dr. R. K. Giri             | - | Member (Representative of IMD)  |
| 9.  | Dr. S. K. Paliwal          | - | Member (Representative of CPCB) |
| 10. | Dr. S. Kerketta            | - | Member Secretary                |

Dr. Sharachchandra Lele, Representative of ISM Dhanbad and Dr. Manjari Srivastava could not be present.

### **Item No.8.0: CONFIRMATION OF THE MINUTES OF THE 7<sup>th</sup> EAC MEETING.**

The Minutes of the 7<sup>th</sup> EAC (Thermal Power) Meeting held on 28<sup>th</sup> June, 2017 were confirmed in presence members present with the following changes:

**Item No. 7.5 3x800 MW Patratu Super Thermal Power Project (PSTPP), Phase-1 at village Patratu, Distt. Ramgar, Jharkhand by M/s Patratu Vidyut Utpadan Nigam Limited- reg. fresh EC. (File No: J-13012/21/2015-IA.I(T) & Online No: IA/JH/THE/32025/2015)**

*(7.5.3) (i) Details of Volumes of ash dykes and quantity of fly ash planned along with timelines for evacuating and using fly ash before starting the operation of proposed project. Undertakings by Project Proponent that their ash mound shall not be constructed.*

***is to be replaced by***

*Details of Volumes of ash dykes and quantity of fly ash planned along with timelines for evacuating and using fly ash before starting the operation of proposed project. A three member committee shall visit the Project site and viability of having ash mound be examined and a report in this regard be submitted before the EAC for considering feasibility of having ash mound for the proposed Project.*

### **Item No. 8: CONSIDERATION OF PROJECTS**

**8.1 2x660 MW Super Critical Imported Coal Based Thermal Power Plant at villages Painampuram & Sivampuram, in Muthukur Mandal, in Nellore District, in Andhra Pradesh by M/s Sembcorp Gayatri Power Ltd.- reg. amendment in EC. (File No: J-13012/76/2009-IA.II(T) & Online no: IA/AP/THE/26415/2010).**

(8.1.1) Project Proponent (PP) submitted online application on 15.06.2017 for amendment of Environmental Clearance dated 30.09.2010 and also for name change from NCC Power Projects Ltd. The PP through their online application and during the presentation, *inter-alia* submitted the following information:

- i. Environmental Clearance for establishing 2x660 MW Super Critical Imported Coal Based Thermal Power Plant at villages Painampuram & Sivampuram, in Muthukur Mandal, in Nellore District, in Andhra Pradesh has been issued in

either to RO or Head Office. PP has approached for deletion of these conditions after more than six years. Meanwhile, an amendment and validity extension of EC has been issued on 18.5.2011 and 4.3.2016. However, deletion of these conditions was not brought to the Ministry during that time. PP is now quoting the letter of Fisheries Department stating there are no fishermen communities in Pynapuram, Ananthapuram, Sivarampuram, Eduru-II villages. Committee sought the Member Secretary that why this condition was stipulated if there are no fishermen communities in the surroundings. Member Secretary briefed that EAC (Thermal Power) in its 67<sup>th</sup> meeting held during 19-20.3.2010 stipulated the condition “The villages bordering the sites may be predominantly inhabited by fishermen and the TPS have impacts on their livelihood, although most of the fishing activity is confined to deep seas. An endowment of Fishermen Welfare Fund should be created out of CSR grants not only to enhance their quality of life through creation of facilities for fish landing platforms/ fishing harbour/cold storage, but also to provide relief in case of emergency situations such as missing of fishermen on duty due to rough seas, tropical cyclones and storms etc.” Member Secretary has also briefed that name change from M/s Nelcast Energy Corp. Ltd. to M/s NCC Power Projects Ltd. has been done by the Ministry. However, there is no record available that PP applied for further name change from NCC Power Projects Ltd. to M/s Sembcorp Gayatri Power Limited. Committee noted that justification of PP saying there are no fishermen villages within 3 km radius of the project is not acceptable. PP can always carryout CSR activities beyond 3 km and up to 10-15 km radius. Committee noted that PP should submit the details of villages, population, fishermen population, fishing activities within 10 km radius of the plant site for taking appropriate decision. Committee noted that 70% of the company assets have been acquired by the Singapore based company (M/s Sembcorp Gayatri Power Ltd.). No Objection Certificate (NOC) from previous Company is required for transferring the EC in the new name. Committee observed that RO, MoEF&CC reported non-compliances on 26 conditions. Committee suggested that Ministry should take an appropriate action on non-compliances and time bound action plan be submitted by PP for immediate compliance.

- (8.1.3) Committee after deliberations, suggested for a site visit by a Sub-committee comprising of three members to ascertain the presence of villages/ fishermen communities within 10 km radius of the plant site. Committee has also sought following additional information:
- i. Details of villages, population, population of fishermen communities, details of fishing activities, etc within 10 km radius of the project site.
  - ii. Time bound action plan on non-compliances reported by the RO, MoEF&CC vide their report dated 14.3.2017.
  - iii. No Objection Certificate from previous company and an undertaking from the new company that they will comply to the conditions stipulated in the EC.

Accordingly, **Committee deferred the project** for want of additional information and the report of the site visit.

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**8.2 2x660 MW super critical coal based Thermal Power Project at Village Dadri Khurd, Tehsil Mirzapur Sadar, District Mirzapur, Uttar Pradesh by M/s Welspun Energy UP Pvt. Ltd. - reg. amendment in Environmental Clearance. (File No: J-13012/12/2011-IA II (T) & Online no: IA/UP/THE/10331/2010).**

- (8.2.1) Project Proponent (PP) submitted online application on 17.6.2017 for amendment of EC dated 21.8.2014. PP made the presentation inter-alia submitted the following information:

- i. Environmental Clearance for establishing of 2x660 MW Super critical coal based Thermal Power Project at Village Dadri Khurd, Tehsil Mirzapur Sadar, Dist. Mirzapur, Uttar Pradesh has been issued vide Ministry's letter dated 21.8.2014.
- ii. NGT, Principal Bench, Delhi in Appeal No.79/2014 in the matter of Debadityo Sinha vs Union of India in their judgment dated 21.12.2016 set aside the Environmental Clearance dated 21.8.2014, directed PP not to carry out any developmental work at the project site, restore the area to its original condition and work of restoration is stayed for a period of two months.
- iii. NGT vide their judgment dated 1.5.2017 directed that Project proponent is at liberty to approach the MoEF&CC or any other competent authority for processing of the applications for grant of EC upon making up for/rectifying the defects and deficiencies pointed out in the judgment. However, the authorities concerned are at liberty to process the same in accordance with law while strictly adhering to the content of the judgment.
- iv. NGT vide their judgment dated 21.12.2016 mentioned the following defects in the EC process:
  - a. Deliberate concealment with regard to forest land within the proposed project site.
  - b. Non-submission of Form-1 dated 31.3.2011 for the project site at Mirzapur
  - c. Discrepancies in Form-1 dated 31.3.2011 and the form-1 furnished later dated 3.12.2011
  - d. Whether the project proponent required forest clearance before the grant of EC as the project site involve forest land
  - e. Concealment of presence of wildlife within the proposed project site.
  - f. Usage of water in upper Khajuri Dam and withdrawal of water by the project proponent from the river Ganga to the upper Khajuri Dam would severely impact the nature of the water that is used for human consumption as well as irrigation.
  - g. Impact of the proposed project on Banaras Hindu University (BHU)
  - h. Presence of Kaimur, that is an important mineral resource to be found in the area of Mirzapur
  - i. Whether the Public Hearing was conducted in a free and fair manner, in view of the fact that there was presence of men carrying arms in the video of the public hearing.
- v. In the updated form-1 submitted to MoEF&CC on 17.6.2017 and required information about forest land involved has been provided. There is a forest involvement of 5.8162 ha for laying of pipeline and 2.5419 ha for laying of approach road. Application for Stage-I forest Clearance has been submitted vide proposal no.FP/UP/THE/14236/2015.
- vi. The survey for land schedule involved in railway siding and transmission line shall be carried out at later stage considering the short construction period involved in these activities. However, requirement of forest land if any will be applied for Forest Clearance as per the process. A small patches of lands 1.01 ha (gatta no.180) and 0.49 ha (gatta no.216ja)with in the plant area have been classified as Jhari or revenue forest. Necessary permission will be taken from the forest dept. for developing greenbelt in the area. Regional Office, MoEF&CC vide letter dated 11.10.2013 state that these two gatta lands are recorded as Jhari in revenue records and are in the ownership of State Govt. If these lands are to be used for non-forest purpose, the permission under FCA is essential.
- vii. The PP had circulated the form-1 along with the PFR vide email dated 31.3.2011 which was marked to all the EAC members.

- viii. Para 28 of NGT judgment noted the receipt of form-1 dated 31.3.2011. Revised form-1 submitted on 17.6.2017.
- ix. There are schedule-1 species present in the study area. There are two endangered flora, five endangered amphibians and reptiles, six endangered avifauna and nine endangered mammals.
- x. Biodiversity conservation and management plan has been prepared and submitted. The same has been approved by the Chief Conservator of Forests, Lucknow vide dated 5.10.2014.
- xi. Water for the project will not directly be sourced from Upper Khajuri Dam. Water from Ganga river (at 17 km from the site) via pipelines will be stored in Upper Khajuri dam and subsequently used. Clearance from UP govt. and approval from CWC had been obtained for drawl of water from river Ganges and to use upper Khajuri dam as storage for lean period. UP govt reviewed and confirmed the suitability of upper Khajuri dam considering its live storage, their irrigation requirement and plant's storage for five months. The water drawn at intake point at Ganga river will be desilted in a desiltation plant and the treated water will be pumped to Upper Khajuri dam to maintain the water quality of Upper Khajuri dam.
- xii. Company had already made commitments to BHU for installation of ESP with 99.99% efficiency, comply with conditions stipulated by CWC on water withdrawal, ash utilisation plan and operate ETP. Company also commits to adhere to latest environmental norms published by MoEF in 2015.
- xiii. Low NOx burners and Selective Catalytic Reduction (SCR) technology for NOx reduction, FGD for SO<sub>2</sub> control, Size ESP to maintain PM, water conservation, recycling and reuse, zero liquid discharge system, optimization of COC are the major additional environmental protection measures.
- xiv. As per the Directorate of Geology and Mining, UP, no listed mineable mineral is found in the project area including Kaimur sandstone.
- xv. Public hearing was conducted under the presence of the district magistrate, ADM and other senior officials of Govt. department. There were no police complaints/FIR registered with the local police station at Mirzapur for any illegal activity, use of force or there to any local who attended the public hearing.
- xvi. The project is proposed in backward area which is very close to Naxal-affected districts of U.P. i.e. Marihan and Sonbhadra. It was common practice in Mirzapur area for locals to carry arms with them.
- xvii. UPPCB date 12.4.2017 has certified that the public hearing was conducted in complete free and fair manner.

(8.2.2) Committee noted that there is a discrepancy in submitting the form-1 w.r.t location of the project. Committee observed that in addition to the forest land identified for water pipeline and approach road, there is more forest land involved for railway corridor and transmission lines. However, that forest land has not been identified yet. PP submitted the FC application only for 5.8162 ha (water pipeline) and 2.5419 ha (approach road). It is ideal to prepare a composite application for the total forest land required for all project activities. However, this matter is to be dealt by State Forest Department and MoEF&CC. Committee opined that recommendations of Standing Committee of National Board for Wildlife may be required as there are Schedule-I species present in the study area. By withdrawing water from Ganga and storing in the Upper Khajuri dam, PP is creating water scarcity in the downstream of Ganga and impact on BHU as BHU is drawing water from Upper Khajuri dam. Downstream impacts shall be studied and Hydro-geological study shall be conducted. Bio-diversity study is to be approved by Chief Wildlife Warden as there are schedule-1 species present in the study area. Regarding the presence of minerals, a certificate from State Mines and Geology

department is required to ascertain the minerals in the project area. Committee also observed that clarification for conducting public hearing in transparency manner and law and order issues may be obtained from District Collector instead of State Pollution Control Board. A decision on re-conducting of public hearing may be arrived after obtaining a report from District Collector.

(8.2.3) Committee after detailed deliberations, **deferred the project** for want of following additional information:

- i. Hydro-geological study and impact on in-stream uses due to water withdrawal from Ganga river.
- ii. A certificate from State Mines and Geology Department regarding mineralogical map and presence of minerals in the project and surrounding areas.
- iii. Clarification report from District Collector regarding conduct of Public Hearing including law and order issues.
- iv. Recommendations from Standing Committee of National Board for Wildlife (SC-NBWL).
- v. Details of STP within 50 km radius from the project site.
- vi. Commitment for setting up of RO system for providing potable water to Banaras Hindu University.

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**8.3 25 MW Waste-to-Energy (WtE) Project at Deonar, Mumbai, Maharashtra by M/s Municipal Corporation of Greater Mumbai-reg. ToR.  
(File No: J-13012/02/2017-IA.I(T) & Online no: IA/MH/THE/62178/2017).**

(8.3.1) The Project Proponent (PP) submitted online application for grant of ToR on 8.6.2017. PP along with their environmental consultant, *M/s Fine Envirotech Engineers* made a presentation and *inter-alia* provided the following information:

- i. The proposal is for setting up of 25 MW Waste to Energy Power Plant, Deonar Dumping ground, eastern suburb of Mumbai, Maharashtra which will process Municipal Solid waste of approx. 3000 Tons per day in modules and which is compliant with SWM Rules 2016 and all other applicable rules.
- ii. The Municipal Corporation of Greater Mumbai currently generates above 8000 tonnes of Municipal Solid Waste per day, with an average per capita generation rate of about 540 grams/ capita/ day. Currently, the waste dumpsite at Deonar receives approximately 5,100 TPD of waste from Mumbai which includes approximately 4100 tonnes of MSW and 1,000 TPD of construction and demolition (C&D) waste. Entire waste is being dumped at Deonar dumpsite without any processing. The present project is for processing of 3000TPD waste by way of Waste to Energy (WtE) project at Deonar. After processing of waste, only rejects (pre- and post processing) would be land filled.
- iii. The area of 12.19 Ha (contagious land) and another 2 ha (Non-contagious land is identified for the project. In this land area is sufficient for Plant and machinery, all the peripheral infrastructure, Brick making facility from ash, Ash pond for 1.5 years, and Interim storage of inert for 1.5 years etc.
- iv. 0.45 ha (1.2 acres) of mangrove forest is involved in the proposed project. Approximately 60-70 individual mangrove plants will get affected. Application for diversion of 0.45 ha of forest under FCA has been submitted to Forest Department.