



# stopppwatch

A CAG Initiative

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

## Review appraisal process, Green Tribunal tells EAC

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**S**uspending the environmental clearance issued for the 2640 MW coal-based power plant near Komrada in Vizianagaram, Andhra Pradesh, citing lapses in the appraisal process followed by the Expert Appraisal Committee, the Southern Bench of the National Green Tribunal has asked the EAC to review its appraisal process with regard to issues raised in the public hearing and towards ensuring the EIA's adherence to the Terms of Reference.

About the Environmental Clearance conditions, the Bench has directed the MoEF to restrict generic conditions to a bare minimum and impose conditions that would reflect the need and feasibility to address specific issues on a case to case basis.

#### REVIEW ToR COMPLIANCE

The order, which is expected to have far-reaching consequences, states that the appellant NGO SAMATA's concern that the EAC did not carry out a scrutiny of the compliance of the ToR has been noted by the Bench when hearing similar cases in the past. The Bench thus directed the MoEF to review the scrutiny mechanism. The Chairman of EAC may

be directed to ensure complete compliance of this aspect in all future appraisals, the Bench ordered.

#### DOCUMENT EAC MINUTES BETTER

The Bench also ordered the MoEF to maintain more explicit documentation in the future. Noting that the minutes of the EAC meetings for several developmental projects seemed very generic in structure and their recordings routine and stereotyped, the Bench asked the EAC to record and maintain details of the technical discussions among its members. The views, comments and suggestions of each EAC member should be recorded in a structured format. Where a particular point is not decided unanimously, specific noting should be prepared and scientific reasons for accepting the majority view should be recorded and maintained for future reference, says the judgment.

In the existing EAC process, an array of issues connected with a particular sector is listed and a mention is made that these have been considered in the EAC meeting minutes. The Bench noted that there is seldom a mention of the viewing of the videograph of the

public hearing submitted for its consideration. The EAC should note this and incorporate its view of the same in its future meetings, the Bench ordered. Maintaining details of the technical discussions will demonstrate transparency in decision making and help frame not just sector-specific conditions but also site-specific conditions during the construction and operation of the project.

#### ADDRESS PUBLIC'S CONCERNS

The judgment notes that a detailed scrutiny in order to evaluate the project has not been done since there is nothing to indicate in the minutes of the meeting that in respect of each of the issues raised at the time of public hearing, i.e., objections raised at the public hearing, what correspondence was made by Project Proponent and for what reasons those objections were 'negatived' and the clarifications of the Project Proponent accepted. The judgment states that 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.

The Bench also ordered that mere stipulation of specific conditions in the EC will not suffice, while the minutes recorded clearly indicate that there was no appraisal wherein an evaluation by detailed scrutiny of the project is required as per the mandatory provisions of EIA Notification, 2006. A duty is cast upon the EAC or SLEAC through the EIA Notification 2006 to apply the cardinal and Principle of Sustainable Development and Principle of Precaution while screening, scoping and appraisal of the projects or activities, the judgment stated.

Commenting on the practice of the EAC in appraising several projects in one sitting, the Bench noted that this would be indicative of the haste and speedy exercise of its function of appraisal. It casts a doubt on whether the EAC would have accepted the response made by the Project Proponent in respect of the objections and concerns raised at the time of public hearing as a Gospel Truth, the order noted.

[Read Judgment](#)

## Pollution takes a toll on aquatic life in 150 river stretches

**D**ischarge of untreated water into various rivers has left 150 river stretches across the country completely polluted. The level of contamination in these stretches is so high that they cannot support any aquatic life.

These stretches are located in almost all parts of the country, with those flowing through Maharashtra and Gujarat accounting for one-third of all the identified stretches.

The stretches are identified by the Central Pollution Control Board (CPCB) through constant monitoring of water quality of 293 rivers. It is based on the BOD (bio-chemical oxygen demand) levels in water that show the extent of organic and bacterial contamination.

Details of the CPCB findings — shared by the Union Environment Ministry in response to a Parliament Question in the Rajya Sabha recently

show that the maximum number of such polluted river stretches (28) are located in Maharashtra, followed by Gujarat (19), Uttar Pradesh (12), Karnataka (11) and Andhra Pradesh, Tamil Nadu and Madhya Pradesh (nine each).

Giving details of the findings, the then Environment Minister Jayanthi Natarajan, said, "The ministry is supplementing the efforts of the state governments in abatement of pollution in identified stretches of various

rivers in the country under the National River Conservation Plan (NRCP) and National Ganga River Basin Authority (NGRBA) programme, for implementation of projects on a cost sharing basis between the Central and State Governments". Statistics show that the states and UTs have collectively spent over Rs 1,756 crore to implement those river water-control projects in the past.

[Full News Report](#)

## Public Consultation

### Part I: an introduction

**P**ublic Consultation (PC) is currently the biggest platform available for local communities and all those with a stake in the environment of the region in which a power plant is being proposed, to get queries clarified, express concerns and record opposition to the project if it legitimately impacts their rights. The outcome of the public consultation process depends both on the number of participants and on effective participation by the public.

The PC is conducted after the project proponent submits the draft Environmental Impact Assessment (EIA) to the Ministry of Environment & Forests (MoEF)/ State Environment Impact Assessment Authority (SEIAA) and simultaneously submits a letter to the relevant State Pollution Control Board (SPCB) to hold the PC.

Within 45 days of receiving the request, the SPCB

must complete the PC process and submit a report to the MoEF/SEIAA. If the SPCB does not complete the PC process within the time frame, the MoEF/SEIAA can appoint another agency to conduct the hearing.

The queries, concerns and protests of the public are to be noted and, if justified, used by the sanctioning authorities to either grant/ reject the EC. The project proponent must take these viewpoints into consideration and revise the EIA accordingly. The grant/rejection of EC by the sanctioning authority will be based on the Final EIA submitted to them.

Public Consultation is conducted by the SPCB in two parts:

#### 1. Public Hearing

This is a mandatory meeting conducted by government officials for all thermal power plants, irrespective of

their capacity & location. Here, the project proponent explains the project to the public present. It is the forum for the people to individually and collectively query and voice apprehensions/concerns about the project. The proceedings are to be recorded by the SPCB officials.

#### 2. Written Response

Members of the public can also send in writing their queries and concerns about the project to the appropriate forum.

Here is a chart that states what local communities can do to participate effectively in public hearings.

*In the next issue, we will look at the Public Consultation process in a nutshell.*

### Assert your rights in Public Hearings!

1. Upon announcement of a public hearing, access the draft EIA and Summary of draft EIA.
2. Obtain a copy of the Terms of Reference issued by the MoEF/ SEIAA for the project.
3. Ensure that the draft EIA has been done according to the prescribed ToR.
4. At the hearing, insist that the proponent's presentation is made in the local language for all participants to understand.
5. Ask for specific details about the plant- focus on the social, economic and environmental impact of the project
6. As the public hearing comes to a close, ensure that your concerns have been duly recorded in the minutes- which should be read out and explained in the local language.
7. Obtain a copy of the public hearing proceedings to make sure your concerns have been noted.
8. Access a copy of the Final EIA to make sure that the concerns of the local people and the responses given by the proponent have been included.
9. Ensure that all the new assurances made by the proponent in the public hearing are reflected in the Final EIA and Revised Project Feasibility Report. For example: If a project proponent agrees at a public hearing to give piped water supply to project affected communities, there should be a budgetary allocation for this in the Final EIA.

## Category B projects further reclassified

The Schedule of the EIA Notification, 2006, specifies those activities and projects that require environmental clearance from the MoEF (called Category A) and those projects requiring clearance from the State level Environment Impact Assessment Authority (called Category B). Category B projects are further classified as B1 & B2 (except for Township & Area Development Projects). B1 projects will require EIA Report for appraisal and the public consultation process, while B2 projects will be ap-

praised based on the application in Form-I accompanied with the Pre-feasibility Report and any other document. The MoEF had constituted an expert committee in January 2013 to issue guidelines on reclassifying projects as B1 & B2. Upon examining their recommendations, the MoEF issued this guideline on December 24, 2013. Please note that this should be read along with the Schedule of the EIA Notification, 2006. [Access guideline](#)

Nature of industry/activity	Category B2	Category B1
Thermal Power Plants: Coal, Lignite, Naphtha & Gas based	< 5 MW	5 MW - 500 MW
Mineral Beneficiation	Throughput 90,000 TPA, involving only physical beneficiation	All other beneficiation activities listed as Category B in Schedule
Metallurgical industries- ferrous & non-ferrous	All non toxic secondary metallurgical processing industries involving operation of furnaces only, such as induction and electric arc furnaces, non- submerged arc furnaces, and cupola with capacity > 30,000 TPA but <60,000 TPA provided that such projects are located within the notified Industrial Estates	All other non toxic secondary metallurgical processing industries
Cement plants	All stand-alone grinding units listed in Schedule as Category B for which transportation of raw material and finished product is primarily through railways	All other grinding units in the Schedule
Chlor Alkali Industry	Production capacity < 300 TPD located in notified industrial areas	Production capacity < 300 TPD located outside notified industrial areas
Leather/ Hide/ Skin processing industry	All new or expansion projects of leather production without tanning, located within a notified industrial area/estate, listed as Category B in the Schedule	All other activities in the Schedule
Chemical Fertilisers	Single Super Phosphate (SSP) involving only the activity of granulation of SSP powder.	All other activities in the Schedule
Manmade fibres	Producing fibre from granules or chips	All other manmade fibre manufacturing
Aerial Ropeways	All Aerial Ropeway projects listed as Category B in Schedule are Category B2	
Brick earth/ ordinary earth mining projects	≤5 hectares -25 hectares	
Other minor mining projects except river sand mining projects	< 25 hectares	
River sand mining project	5-25 hectares	If the periphery of one lease area is less than 500 m from the periphery of another lease area and the total lease area equals or exceeds 25 ha,

## Nine power plants secure Cabinet's assurance

Nine power plants got the Cabinet's assurance of coal supply for at least three years.

The Central Government's statement did not identify the nine plants that stand to benefit from the tapering linkage - an arrangement that ensures coal supply to power plants that have captive blocks not developed due to delay in getting approvals. Power plants with tapering linkage

would get the fuel from state miner Coal India. The projects in question were stranded as a result of the Environment Ministry's no-go policy of 2010.

**These projects were stranded as a result of the Environment Ministry's no-go policy of 2010, which barred mining in critically polluted areas**

which barred mining in critically polluted areas. The Cabinet had earlier approved coal supplies to 78,000-MW-capacity projects, including 24 plants, based on tapering linkages. Additional coal would be supplied to the nine units for three years through September 2016 or for a period equal to the time for which they were affected by the policy, it added.

*Full News 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*

## Additional funding secured for Tuticorin power project

The Dubai-based Coal & Oil (C&O) Group, which is setting up a 1200 MW independent power plant in Tamil Nadu, has secured Rs. 1,600-crore additional funding for the project, according to a press release from the company.

The Rs. 6,800-crore Mutiara Thermal Power Plant in Tuticorin being set up by Coastal Energen Pvt Ltd, the power generation company of the Coal & Oil Group, is one of the largest private sector investments in the region.

The power plant has obtained Rs. 5,200 crore funding from a consortium of banks led by State Bank of India. This latest sanction will contribute to last mile funding and address cost escalation due to rupee devaluation, among other things. The power plant is slated for completion by June 2014. The Coal & Oil Group is an integrated energy company involved in coal trading, mining, shipping, logistics and power generation.

*Full News Report*



# CAG

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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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## No clearance for captive coal blocks in inviolate forest areas

The Environment Ministry has said that captive coal blocks for ultra mega power projects located in forest areas demarcated as "inviolate" will not be considered for clearance.

However, as a measure of relief for developers of the 4,000 MW projects, the ministry has said in its December 30 order that in the event the captive coal block is not located in an "inviolate" area, it will delink the clearance for the 4,000 MW projects from the coal blocks, according to people aware of the development.

At present, environmental clearance for ultra mega power projects is held in abeyance till such time that forest and environmental clearance for the captive coal block is secured. The order has been issued in response to concerns raised by the power ministry over environmental clearance for UMPPs. Two projects— one at Tilaiya in

Power and the other at Bedhabahal in Odisha, which is currently under bidding— have faced delays in environmental clearance on account of problems with the captive coal blocks. In some cases, the captive coal mines are located in areas designated as "inviolate" or out of bounds for industrial activity by the environment ministry committee that analysed forest cover on the basis of six factors—forest type, biological richness, wildlife value, density of forest cover, integrity of landscape and hydrological value. The government is yet to take a final view on the recommendations of this committee. The Environment Ministry order makes it clear that till a final view is taken on the recommendations, the ministry will "review the details of the linked coal blocks using the criteria suggested in the report".

*Full News Report*