



**HP STATE POLLUTION CONTROL BOARD**

PHASE-III, BELOW BCS, NEW SHIMLA-09

PHONE NO. 0177-2673766, 2673020

FAX-0177-2673018

**Regd.**  
**Urgent Court Matter**

No. PCB-OA No. 425/2019-

17724

Dated:- 20.8.19

To

  
**The Registrar General**

Hon'ble National Green Tribunal.

Faridkot House, Copernicus Marg, Near India Gate, New Delhi,  
Delhi 110001.

**Subject:- OA No. 425/2019 titled Vijay Kumar V/s State of HP &ors.**

Sir,

This has reference to the order dated 04-07-2019 passed by Hon'ble NGT in the afore-cited matter related to release of 15-20% water from the HEPs in the State of HP.

In this connection, please find enclosed herewith status report on behalf of HP State Pollution Control Board in compliance to afore-cited order for your kind perusal which may kindly be taken on record please.

(Encl. as above)

  
Member Secretary  
HPSPCB, Shimla  
Tel. No. 0177-2673766.  
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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT DELHI**

Original Application No. 425/2019

IN THE MATTER OF :-

Sh. Vijay Kumar

..... Applicant

Versus

State of HP & Ors.

..... Respondents(s)

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**Respondent**  
HPSPCB, Shimla.

Place: Shimla  
Dated 19-08-2019.

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH AT NEW DELHI

Original Application No. 425/2019

In the matter of:

Vijay Kumar

.....Applicant(s)

Versus

State of HP & ors.

.....Respondent(s)

STATUS REPORT UPON AFFIDAVIT OF MEMBER  
SECRETARY HP STATE POLLUTION CONTROL BOARD  
IN COMPLIANCE TO ORDER DATED 04-07-2019.

MAY IT PLEASE YOUR LORDSHIPS :-

I. Aditya Negi, (IAS) son of Sh. S.K. Negi, aged 33 years, presently working as Member Secretary, H.P. State Pollution Control Board, Him Parivesh, Phase-III, BCS, New Shimla, Himachal Pradesh, do hereby solemnly declare and affirm on oath as under: -

1. That the afore-cited case relates to issue of 15-20% water release by the HEPs in the State of HP. The Hon'ble NGT vide order dated 04-07-2019 passed the following directions qua the respondent Board :-

*".....The grievance in the application is that Hydro-stations in the State of Himachal Pradesh are not measuring flow of water released to the downstream during the lean season which is resulting in higher pollution level and harm to the aquatic life due to water scarcity 15-20% of average lean season flow is required to be maintained.*

*Let Himachal Pradesh State Pollution Control Board (HP PCB) look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within one month by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in)....."*

2. That in reference to afore-cited directions it is submitted that the factual report is as under :-

That keeping in view environmental concern to maintain minimum flow of water in rivers, the State Govt. had initially issued notification dated 16/07/2005 for release of 10% mandatory

Member Secretary,  
HP State Pollution Control Board  
Shimla

water downstream hydro projects which was later on modified and enhanced vide notification dated 09/09/2005 to 15% mandatory release of water under Environment Protection Act 1986 and Water Act 1974. Copies of notifications are annexed as **Annexure R-1** and **Annexure R-2**.

3. It is submitted that State Government vide aforementioned notification 09-09-2005 had made it mandatory for all existing and upcoming Hydro Electric Projects (HEPs) to release 15% water/maintain a minimum flow immediately downstream of diversion structures of Hydel projects.

It is denied that as alleged all hydro stations are not releasing / measuring flow of water released downstream except older ones (as would be elaborated hereinafter).

In this context it is submitted that as it is not physically possible for the State Pollution Control Board to monitor each and every project round the clock by deploying the officers for this purpose in each project, hence the State Pollution Control Board has made it mandatory for all projects to install real time on-line continuous flow measurement & data logger, so that the notification referred to above is more effectively implemented and realtime data of complete 24 hours of a day is logged by the proponent in the computerized system (relevant order is annexed as **Annexure R-3**).

4. That the notification dated 09-09-2005 related to mandatory release of 15% of water downstream the HEPs was challenged by the Punjab State Electricity Board (Shanan HEP), NHPC (Chamera HEP) and M/s Jaypee (Baspa-HEP) before the Hon'ble High Court of HP in CWP Nos. 533/2006, 405/2006 and 843/2011 respectively on the ground that this notification is not applicable to them as these are old projects commissioned before 09-09-2005 i.e. prior to issuance of this notification and it is not possible for them to maintain 15% water immediately downstream on diversion structure during lean season as it will cause huge loss to the project. Later matters were listed before the Hon'ble NGT as OA No. 241/2013, 242/2013 and 243/2013 wherein these matters were disposed off vide order dated 20-11-2014 in view of the decision taken by the Government that the impugned notification has only prospective effect for the projects commissioned after 09-09-2005. Copy of order dated 20-11-2014 of Hon'ble NGT is annexed as **Annexure R-4**. Hence it is submitted that old projects

are not releasing the 15% water during lean season in view of the Hon'ble NGTs order dated 20-11-2014.

5. It is pertinent to submit here that State Board while granting consent to operate, also imposed condition to Hydel Projects for mandatory release of 15% water downstream of diversion structures of HEPs throughout the year in addition to ensuring installation of real time on-line continuous flow measurement & data logging. However, the Central Pollution Control Board vide letter dated 18-01-2017 (annexed as **Annexure R-5**) declared the mini Hydel projects less than 25 MW as white category of project, hence these are now exempted from consent mechanism inter-alia the provisions of Water Act, 1974 and from obtaining Environmental Clearance. In view of re-categorization of HEPs less than 25MW, the State Board now has no legal recourse or regulatory control over them to ensure 15% of mandatory release of water by HEPs less than 25MW. The State Board had taken-up this issue with CPCB vide letter dated 24-4-2017 (copy annexed as **Annexure R-6**) that there are large number of HEPs under 25 MW existing in the State hence the decision of re-categorization may be reviewed but the same was not reviewed by the CPCB as yet. In case CPCB reviews its decision (conveyed by letter dated 18-1-2017) then the State Board would be in a position to regulate all HEPs commissioned after 9-9-2005 and ensure to install online flow measurement data logger and release of 15% water.
6. That as per detail inventorised /record available with the State Board, there are total 227 nos of hydel projects (existing and under construction) in the State of HP. The Regional Office wise detail of no of HEPs in tabulated form is annexed as **Annexure R-7** for kind perusal of this Hon'ble Tribunal. Out of total, only 132 HEPs are operational out of which 108 nos of HEPs are below 25 MW and 24 no of HEPs are above 25 MW. The real time e-flow data of only 55 numbers of HEPs are coming on HPPCBs server /web portal. Notices have also been issued to the non-complying units from time to time by the respective Regional Officers. Recently notice have also been issued at Head Quarter level of the State Board to submit e-flow data through realtime online monitoring system. (Copy of notice dated 19-07-2019 is annexed as **Annexure R-8**). In view of this, the concerned HEPs may be arrayed as necessary party in the matter. The State Board has also issued instructions/public notice (annexed as **Annexure R-9**) through all Regional Offices to ensure release of 15% water by HEPs in their

Member Secretary,  
HP State Pollution Control Board  
Shimla

area of jurisdiction. As such in view of above, the State Board is keenly implementing Govt's notification aforementioned.

That I, the above named deponent do hereby solemnly affirm and declare that the contents of my above affidavit paras 1-6 are correct to the best of my knowledge and belief based on information as derived from official record and nothing material has been concealed therefrom.

Verified at Shimla on 19<sup>th</sup> day of August, 2019.

  
Member Secretary, **DEPONENT**  
HP State Pollution Control Board  
Shimla

No. PC-F(2)-1/2005

Dated : Shimla-2. 16-07-2005

**NOTIFICATION**

**[Directions of the State Government]**

Whereas the objective of the Environment [Protection] Act, 1986 enacted by the Central Government is to protect and improve the environment and for prevention of hazards to human beings, other living creatures and property and that of the Water [Prevention and Control of Pollution] Act, 1974 enacted by the Central Government is to provide for the prevention and control of water pollution and maintaining or restoring the wholesomeness of water.

Whereas, the Central Government has delegated the powers vested in it under Section 5 of the Environment [Protection] Act to the State Government for the performance of functions under this Act to issue directions in public interest and so also the powers are vested in the state Government under the Section 64 of the Water [Prevention and Control of Pollution] Act, 1974.

Whereas it has been observed that the establishment, operation, maintenance of the Hydel Projects and other allied inter-related activities of these projects have led to are leading to degradation of environment and ecology and have adverse effect on the wholesomeness of Water.

Whereas the diversion of huge quantities volumes of water from the rivers by the Hydel Projects has minimized water flow or even dried up the main river beds or water courses channels which consequently is not only damaging the water courses but also causing irrigation problems and health hazards water borne diseases due to decreased volume of water and is cause of pollution of water streams, rivers sources.

And whereas the above mentioned facts are tantamount to violation of the Environment [Protection] Act, 1986 and the Water [Prevention and Control of Pollution] Act, 1974 constituting the offence punishable under Section 15 and Section 45-A respectively of the Acts *ibid.*

“(1) Section 15 of the Environment [Protection] Act, 1986 provides that whoever fails to comply with or contravenes any of the provisions of this Act or the rules made or orders or directions issued there under, shall, in respect of each such failure or contravention be punishable with imprisonment for a term which may extend to five years with fine which may extend to one lakh rupees or with both and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for day during which such failure on contravention continues after the conviction for the first such failure or contravention.

(2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.

Section 45-A of the Water [Prevention and Control of Pollution] Act, 1974 provides, “Whoever, contravenes any of the provisions of this Act or fails to comply with any or direction given under this Act, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment which may extend to three months or with fine which may extend to ten thousand rupees or with both and in the case of a continuing contravention or failure with an additional fine which may extend to five thousand rupees for every day during which such contravention or failure continues after conviction for the first such contravention failure”.

Now, therefore, with a view to prevent, control and abate environmental pollution and in exercise of the powers conferred by

provisions of the Section 5 of the Environmental (Protection) Act, 1986 directions are hereby issued under Section 5 of the aforesaid Act to the existing and upcoming Hydel Projects to release and maintain a minimum flow immediately downstream of diversion structures of Hydel Projects to release and maintain a minimum flow immediately downstream of diversion structures of Hydel Projects throughout the year at a threshold value of not less than 10% of the minimum inflow observed in the lean seasons into the river water body whose water is being harnessed by these projects failing with the Government will be constrained to have recourse of Section 15 of the Environmental [Protection] Act, 1986 and Section 45-A of the Water [Prevention and Control of Pollution] Act, 1974. It is hereby ordered that an officer not below the rank of the Assistant Environmental Engineer so authorized by the H.P. State Environment Protection and Pollution Control Board shall be responsible to monitor verify or gauge the volume of water released by the Hydel Projects. It is mandatory for all Hydel Projects to make provision for measurement by installing appropriate instrument devices and keep records of the same on day-to-day basis including the total inflow in the diversion structure and the water released immediately downstream of the diversion structure;

The Hydel Projects shall also submit quarterly reports to the HP State Environment Protection and Pollution Control board

The Himachal Pradesh State Environment Protection and Pollution Control Board/HP State Electricity Board/HIMURJA/Irrigation-cum-Public Health Department/Fisheries Department are hereby directed to impose include conditions of minimum flow of water as specified above upon the Hydel Projects in their respective NOCs Consent and agreement memorandum of understanding;

The condition of minimum flow of water shall be complied within a month of issue of this notification and compliance to these

directions to these directions shall be reported complied with  
accordingly.

By order

Sd/-

Pr. Secretary [Pollution Control] to the  
Government of Himachal Pradesh

Endorsement No. As above

Dated. Shimla-2. 17-07-2005

Copy forwarded for information and necessary action to:

1. The Secretary to Governor, Himachal Pradesh, Shimla-2
2. The P.Ss to the Chief Minister, cabinet Ministers, State ministers, CPSs and Parliamentary Secretaries. H.P. Shimla-2.
3. The PS to the Chief Secretary to the Government of Himachal Pradesh
4. All Administrative Secretaries to the Government of H.P.
5. All Deputy Commissioners in Himachal Pradesh
6. All Heads of the Department in Himachal Pradesh
7. All Chairmen, Vice-chairman, Managing Directors of all Boards Corporations in Himachal Pradesh.
8. The Member Secretary H.P. Environmental Protection and Pollution Control Board Paryavaran Bhawan. Phase-III. Below BCS New Shimla-9 with request to circulate the copy of this notification to all concerned Project Authorities in the State under intimation to this Department.
9. The Member Secretary HP Satet Council for Science Technology and Environment SDA-Complex Kasumpti, Shimla-9.
10. The Controller, Printing and Stationary H.P. Government Press, Shimla-3 for publishing in the Rajpatra.
11. Guard File.

Sd/-

Addl. Secretary [Pollution Control] to  
The Government of Himachal Pradesh

Department of Pollution Control

\*\*\*\*

No. PC-F(2)-1/2005

Dated: Shimla-2, 9/9/05

NOTIFICATION

In partial modification of this department's notification of even number dated 16-07-2005 vide which directions in exercise of the powers conferred by the provisions of Section 5 of the Environment (Protection) Act, 1986 were issued, the quantum of minimum flow of water to be released and maintained immediately downstream of the divers on structures of existing and up-coming hydel projects throughout the year should be read as "threshold value of not less than 15% of the minimum inflow observed in the lean season; to the main river water body whose water is being harnessed by these projects" instead of 10% as mentioned in the said notification.

By Order,

[J.P. Negi]

Pr. Secretary [Pollution Control] to  
The Government of Himachal Pradesh

Dated: Shimla-2. 09/09/2005

Endsts. No. : As above.

Copy forwarded for information and necessary action to:

1. The Secretary to Governor, Himachal Pradesh, Shimla-2.
2. The P.P.S's to the Chief Minister, H.P. Shimla-2.
3. The P.S. to Cabinet Ministers, H.P. Shimla-2.
4. The P.S. to the Chief Secretary to the Government of H.P., Shimla-2.
5. The Chairman-cum-Managing Director, NTPC, Plot No. 8-A, Sector 24, P.B. No. 13, NOIDA-201301, U.P.
6. The Chairman-cum-Managing Director, National Hydro Electric Power Corporation, Ltd. Sector-33, Faridabad-121003, Haryana.
7. The chairman-cum-Managing Director, Satluj Jal Vidyut Nigam Ltd. Himfed Building, New Shimla.
8. The Chairman, HPSEB, Kumar House, Shimla-171004.
9. All Chairman, Vice Chairman/Managing Directors of all Boards and Corporations

in Himachal Pradesh.

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10. Chief Executives of all Hydro-electric Projects in H.P.
11. All Administrative Secretaries to the Government of H.P.
12. All Deputy Commissioners in Himachal Pradesh.
13. All Heads of Department in Himachal Pradesh.
14. The Chief Executive Officer, HIMURJA, SDA-Office Complex, Kasumpti, Shimla-9
15. The Member Secretary, H.P State Environment Protection and Pollution Control Board, Paryavaran Bhawan, Below BCS, New Shimla-9 with request to circulate the copy of this notification to all concerned Project Authorities in the State under intimation to this Department.

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**Himachal Pradesh State Pollution Control Board,  
Him Parivesh, Phase-III,  
New Shimla -171009**

**OFFICE ORDER**

No. PCB (59<sup>th</sup> Bd. Mtg.)Engg. (Consent Branch)/2009 6202-210

Dated: 4/07/09

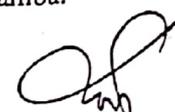
According to the decision taken by the State Board in 59<sup>th</sup> Meeting held on 06-03-2009 vide item No. 59.5 with regard to more effective and transparent implementation of the provisions of the notifications issued by the State Government vide Nos. PC-F(2)-1/2005 dated 16-07-2005 and dated 09-09-2005 regarding release of 15% of minimum flow observed in the lean season from the diversion works, the State Board in exercise of the powers vested under section 17 (1-o) of the Water (Prevention & Control of Pollution) Act, 1974 hereby makes it mandatory for all the existing and upcoming hydroelectric projects to install real-time online continuous flow measurement and data logging device(s). For all existing hydro power Projects in the State, time for installation and commissioning for the requisite device(s) is allowed upto 31-12-2009 and no hydro electric project in the State shall be allowed to operate without such devices thereafter.

By Order  
sd/

**Chairperson,**  
HP State Pollution Control Board  
Dated:

Endst. No. PCB(59<sup>th</sup> Bd. Mtg.)Engg. (Consent Branch)/2009

- Copy forwarded to the following for information and necessary action:
1. The Principal Secretary (Env.)/ (IPH)/ (Industries)/ (MPP& Power) / (Health)/, Govt. of H.P. Shimla.
  2. All Members of the State Pollution Control Board.
  3. The Director (Environment), Himachal Pradesh, Shimla.
  4. The Controller of Printing & Stationary, Govt. of H P Shimla with a request to publish the notification in the Official Gazette and send 5 copies to this office.
  5. Sr. Environmental Engineer (HQ) /Pr. Scientific Officer/Senior Project Consultant/ Controller (F&A)/ Assistant Environmental Engineer (HQ)/Law Officer, HPSPCB, Shimla.
  6. Senior Environmental Planner, HPSPCB, Shimla for information with the soft copy of the notification to host the notification in web site of the State Board as well as on the web site of Controller, Printing Press, Ghora Chowki, Shimla.
  7. Environmental Engineers, Regional Offices, HPSPCB, Kullu, Rampur, Baddi, Una, Paonta Sahib, Bilaspur and Shimla and Officer-in-Charge, Regional Office, Parwanoo.
  8. Assistant Environmental Engineers, Regional Offices, HPSPCB, Jassur and Chamba.
  9. Consent Branch.
  10. Guard file.

  
**Member-Secretary,**  
HP State Pollution Control Board

  
Member-Secretary,  
HP State Pollution Control Board  
Shimla

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ANNEXURE-R-4

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BEFORE THE PRINCIPAL BENCH  
NATIONAL GREEN TRIBUNAL  
NEW DELHI  
CIRCUIT BENCH AT SHIMLA

Application No. 241(Thc)/2013  
And  
Application No. 242(Thc)/2013  
And  
Application No. 243(Thc)/2013

IN THE MATTERS OF

M/s Jaiprakash Power Ltd. Vs. State of HP & Ors.  
And  
NHPC Ltd. Vs. State of HP & Ors.  
And  
PSEB Vs. State of HP & Ors.

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE (Dr.) P. JYOTHIMANI, JUDICIAL MEMBER  
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

**Present:** Petitioner: Mr. Anand Sharma, Adv.  
State of H.P: Mr. Anup Rattan, AAG and Mr. Vivek Singh  
Attri, DAG  
Respondents: Mr. Satish Sharma, Advocate HP SEB  
Mr. Vivek Thakur Adv. For PCB  
Mr. K.D. Shreedhar, Sr. Adv. And Ms. Shreya  
Chuhan

	Date and Remarks	Orders of the Tribunal
	<p>Item Nos. 12 to 14</p> <p>November 20, 2014</p>	<p>Learned Counsel appearing for the State files an affidavit of the Secretary. The same is taken on record. Let copies of the affidavit be furnished to all the Counsel appearing in this case who may file reply to the said affidavit, if any, within three weeks from today.</p> <p>Learned Counsel appearing for the applicants submits that since the clarification has been issued and the same is stated to be prospective, their prayer in the application stands satisfied.</p> <p>However, they reserve the right to take such other actions as may be permissible in accordance with law. Liberty granted.</p> <p>All the application nos. 241/2013(Thc),</p>

*[Signature]*  
Sr Environmental Engineer,  
HP State Pollution Control Board  
Shimla

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242/2013(Thc) and 243/2013(Thc) stand finally disposed of with no order as to costs.

.....,CP  
(Swatanter Kumar)

.....,JM  
(Dr. P. Jyothimani)

.....,EM  
(Dr. D.K. Agrawal)

.....,EM  
(Prof. A.R. Yousuf)

*Ajeeth*  
Sr Environmental Engineer,  
HP State Pollution Control Board  
Chimla

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ANNEXURE 5

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ए.बी. अकोलकर  
सदस्य सचिव  
A.B. AKOLKAR  
Member Secretary



केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
पर्यावरण एवं वन मंत्रालय  
(भारत सरकार)

Central Pollution Control Board  
Ministry of Environment & Forests  
(Government of India)  
Phone: 22307078/22303655

No. B- 29012/ESS/CPA/2016-17/ 22078

January 18, 2017

To:  
The Member Secretary,  
All the State Pollution Control Boards / Pollution Control Committees  
(List Attached)

M/S  
SEE  
SANT

Sub : Clarification in the matter of Revised Categorization of the industrial Sector namely "Solar power generation through solar photovoltaic cell, wind power and mini hydel power (less than 25 MW)".

k  
22/1/17

Modified Directions are issued by CPCB on 07.03.2016 u/s 18(1)(b) of the Water (P&C of Pollution) Act, 1974 and Air (P&C of Pollution), Act, 1981 on "Revised Classification of Industrial Sectors under Red, Orange, Green and White Categories". In this context, references are received by Central Pollution Control Board for elaboration of the activities covered under the industrial sector namely "Solar Power generation through solar photovoltaic cell, Wind Power and Mini Hydel Power (less than 25 MW)" which is placed at Sl. No 35 in White category of industrial sectors. The matter has been examined and it is hereby clarified that this category of industrial sector includes the following units :

1. Solar Power generation through photo-voltaic cells, Plants of all capacities.
2. Wind Power generation Plants of all capacities.
3. Mini Hydel Power Plants having capacity less than 25 MW.

Accordingly, for all future references, the entry at Sl. No. 35 in White category of industrial sectors namely "Solar Power generation through solar photovoltaic cell, Wind Power and Mini Hydel Power (less than 25 MW)" shall be read as "Solar Power generation through solar photovoltaic cell Plants of all capacities, Wind Power Plants of all capacities and Mini Hydel Power Plants of capacity less than 25 MW.

This is for reference of all concerned, please.

Yours faithfully  
*[Signature]*

[A.B. Akolkar]  
Member Secretary

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ANNEXURE-R-6 460  
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# H.P. STATE POLLUTION CONTROL BOARD

Below BCS, Phase-III, New Shimla-171009

Telefax- 0177-2673275, Website: <http://hppcb.nic.in/>

HP PCB/74Bd-meetings/Consent Branch/2016/-

1046-47

Dated. 24.4.2017

From: The Chairman

To: The Chairman,  
Central Pollution Control Board,  
Parivesh Bhawan, CBD-cum-Office,  
Complex East Arjun Nagar, Delhi-110032.

Sub: Modified direction under section 18(1)(b) of the Water (Prevention prevention and Control of Pollution) Act, 1974 and the Air (Prevention prevention and Control of Pollution ) Act, 1981 regarding Harmonization of classification of Industrial sectors under Red/Orange/Green /White Categories and Review meeting with SPCB/PCCs held in CPCB Delhi during February 16-17, 2017.

Sir,

This has reference to my earlier letter no.PCB/74Bd-Meetings/Consent Branch/2016-74 dated 2/4/2016 on the subject cited above. Clarification in the Matter of Revised categorization was also received vide your office letter no B-29012/ESS/CPA/2016-17 Dated 18<sup>th</sup> January 2017. P-114  
P-119

This issue was raised during the Review meeting with SPCBs/PCCs held in CPCB during Feb.16-17, 2017. It was discussed that Hydro Power plant <25 MW included in White category and hence exempted from Consent Mechanism ; But have Air Polluting operations like drilling ; Blasting involved ; SPCB is not able to intervene and in this regard SPCBs were told to provide the detailed information to further take up the matter. The detail information in this matter is as under:-

### Present Status of Hydro Electric Projects in Himachal Pradesh

As per information available with the State Board total no of projects in the State board are tabulated below:

Total Hydro Electric Projects	236
Hydro Electric Projects less than 25 MW	184
Total Hydro Electric Projects More than 25 MW	52

- Major component of hydroelectric projects comprises of diversion weir, de-silting tank, for-bay tank, conveyance water channel or tunnel to power house, power plant, switch yard and transmission line.
  - The excavation is done by conventional method of drilling and blasting, which causes Air, Water and Noise Pollution in the construction area.
  - 3500 to 11000 m<sup>3</sup>/MW of muck is generated in the excavation of components mentioned above which needs to be disposed off scientifically in designated dumping sites. Also every HEP which needs to submit return of muck generated during the construction stage to the State Pollution Control Board by 7<sup>th</sup> of every month. If muck generated is not disposed off scientifically, it will create Uttrakhand State like disaster of 16 June, 2013.
  - Mining and crushing by Stone Crushers and aggregate processing are involved in the construction process of all Hydro electric projects.
  - Labor engaged in the area also creates Air and Water pollution if sanitary conditions for civic waste are not maintained.
  - Various construction equipments employed at project site e.g. compressors, tippers, loaders etc also enhances the Ambient Air, Noise and Water pollutions.
  - Construction machinery such as DG sets, compressor, excavators, tippers, loaders also generate hazardous waste in the form of waste oil/grease which have to be disposed under hazardous waste management rules, 2016.
  - Battery bank is required for initial excitation of the generator, which is covered under battery waste and management rules, 2016.
  - A lot of cases have been filed in the past in NGT/High Court/Session courts in HEPs less than 25 MW regarding violation of environmental norms. If these projects are declared non-polluting, State Pollution Control Boards won't be able to monitor them effectively.
- Hence during Construction Stage, the Project is Air and water polluting and also generates Hazardous Waste in the form of Waste oil.

**Categorization during the Construction Phase:-**

- 1) Water pollution due to spillage of muck in to water and high TDS waste from aggregate mixing falls under W15 of table F-1: of Water Pollution Scoring Methodology and the score is 12
- 2) Air Pollution Due to Construction activity Drilling Blasting and material handling and construction equipments covered under A1D, A1E and A1F of table F-2 of Air Pollution Score is 15+10+10
- 3) Hazardous Waste generation from construction equipments and DG sets covered under HW4 of table

Hazardous Waste Generation Score = 10  
 Grand Total = W+A+HW = 12+35+10=57

**Hence HEPs <25 MW has to be classified as Orange during the Construction Phase**

**During Operation:-**

During operation if entire water is diverted for the generation of power, the water source in the original stream will dry up, which are required for irrigation, drinking and other environmental purposes. If no water is released, the smallest organism in water will die first, and as they do, the entire food chain collapses until the largest fish are killed, animals such as birds and wildlife that use the body of water are either infected by bacteria and/or contaminated fish, or kept with no option but to migrate to new water sources or die.

In view of this, Government of Himachal Pradesh has notified to release at least 15% of water from diversion structures vide Govt. notification No .PC-F (2)-1/2005 Dated 16/07/2005 and Dated 09/09/2005.

Himachal Pradesh Pollution Control Board is a nodal agency to implement this minimum water discharge and on line mechanism has been implemented in 84 out 98 projects and the rest of project are in the process of completion.

In addition to this, monitoring of indoor noise has to be conducted to check compliance of noise level of generators and turbines, so that the workers are not subjected to noise levels above the prescribed limit.

**Categorization during the Operation Phase:-**

- 1) Water pollution due to Delisting Operation, cooling and recirculation process in turbines and spillages of oil and grease falls under W17 of table F-1: of Water Pollution Scoring Methodology and the score is = 10
- 2) Hazardous Waste generation from DG sets, Turbine, Transformer in the form of waste oil covered under HW4 of table F-3 Hazardous Waste Generation Score = 10

Grand Total = W+HW = 10+10=20  
 Normalized score = 20/60\*100=33.33

**Hence HEPs < 25 MW has to be classified as Green during the Operation Phase.**

Even at the draft stage of the classification circulated by CPCB vide letter no B-29012/ESS/CPA/2015-16/3884 P-1 dated 19/08/2015, the State Board has conveyed its observation to CPCB vide letter no.PCB/Red/Green/Orange and White P-1 Classification-file/2015-2955 dated 09/10/2015 and letter no PCB/Red/Orange/GreenCategories-2015/17857 dated 17-12- P-1 2015 in view of significance and magnitude of the Environmental Impacts of HEPs particularly in the hilly areas. While forming Working Group PCB member from Hill State are not included and observations raised by HPPCB are not considered hence led to wrong re-categorization of HEPs

You are therefore, requested to re- categorize the < 25 MW Hydro Electric Projects as under:-

- 1) All the Hydro Electric Power Projects of 5 MW and up to 25MW may be included in the Orange category during construction phase and green category during operational phase.
- 2) All the Hydro Electric Power Projects of 1 MW and up to 5 MW may be included in the Green category during operation and construction phase.
- 3) All the Hydro Electric Power Projects below 1 MW may be included in the White category.

Although, the State Board has adopted rest of the classification of Industrial Sectors as per direction of Central Pollution Control Board, in case of Hydro Electric Power Projects the State Board will continue to follow the previous classification of Industrial Sectors according to which Hydro Electric Power projects up to 25 MW would be treated as proposed above until any reference to the observation made by State Board is received from the Central Pollution Control Board and the matter is deliberated and decided by the State Board.

Encl: - as above.

Yours faithfully

Chairman,  
HPSPCB, Shimla.

*Handwritten signature*

*Handwritten signature*  
Chairman,  
HPSPCB, Shimla.

*Handwritten initials*

Copy forwarded to the Sh. P.K. Gupta Addl. Director, CPCB, New Delhi for information w.r.t. the meeting held in CPCB during 18 April, 2017.

	upto 25 MW	above 25 MW	Total	Operational	proposed/closed/ Construction Stage	Total
Poanta	4	2	6	4	2	6
Dharamshala	35	0	35	28	7	35
Chamba	36	9	45	31	14	45
Bilaspur	4	6	10	7	3	10
Kullu	44	12	56	22	34	56
Shimla	18	4	22	9	13	22
Rampur	4	9	53	31	22	53
	185	42	227	132	95	227

Operational

	upto 25 MW	above 25 MW	Total
Poanta	3	1	4
Dharamshala	28	0	28
Chamba	24	7	31
Bilaspur	2	5	7
Kullu	18	4	22
Shimla	9	0	9
Rampur	24	7	31
Total	108	24	132



-18- ANNEXURE-R-8 94  
**H.P. STATE POLLUTION CONTROL BOARD**

HIM PARIVESH, PHASE-III, NEW SHIMLA-171 009

Ph 0177-2673766, 2673020 & 32, FAX: 0177-2673018

Reminder-I

No. PCB/IT/(30-A)/E-Samiksha/-2019 15353-15409

Dated:- 19.7.2019

To

As per list.

**Subject:- Notice under Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981.**

Sir,

In continuation to this office letter No.- HPPSCB/Minimum Flow Equipment/18-12489-12534 dated 12/06/2019 vide which you were directed to ensure the e-flow data link to HPSPCB web portal.

Whereas, it has been observed/checked that e-flow data through real time online monitoring system of your project is not coming to the State Board portal.

In view of the above facts, you are hereby directed to ensure the e-flow data through real time online monitoring system within five days failing which further action as per law shall be taken against your project at your risk and cost.

(Aditya Negi, IAS)

Member Secretary

H.P. State Pollution Control Board

Him Parivesh, Phase- III, New Shimla-9

Ph. No- 0177-2673019

Copy to:

1. SEE, HPSPCB, H.O for information and further necessary action please.
2. All the Regional Officers of HPSPCB for information and necessary action. If the HEP's fails to provide the data action may be initiated against the non complying projects.

SA to  
call them for  
for PF  
for information  
24/7/2019  
SEE/SA-V

(Aditya Negi, IAS)

Member Secretary

H.P. State Pollution Control Board

Him Parivesh, Phase- III, New Shimla-9

Ph. No- 0177-2673019

S.No.	Name of the Hydel Electric Projects
<b>Chamba</b>	
1.	NHPC Chamba, Distt.- Chamba.
2.	Balsio HEP, Vill. Dhadiund, Tehsil Churha, Distt. Chamba.
3.	Upper Traila, M/ S A. T. Hydro ( P) Ltd. BSP Colony, Qtr- 3, Type- 3, Tissa Bhajraroo, Chamba
4.	Traila II SHEP, BSP Colony, Qtr- 3, Type- 3, Tissa Bhajraroo, Chamba
5.	Sahu SHEP, M/s Him Kailash hydro Power Pvt. Ltd. Baba Udyog Mugla, Chamba
6.	Chirchind SHEP, M/ S Chirchind Hydro Power Ltd., Vill. Luna, Tehsil Bharmour, Distt. Chamba
7.	Upper Joiner SHEP, M/ S Tejas Sarnika Power, Qtr. No.-03, B.S.P. Colony Teesa, Chamba.
8.	Trailla HEP, Chamba, Distt.-Chamba.
9.	Dehar HEP, M/s Astha Project Pvt. Ltd. Vill Bithal Samot, Tehsil Sihunte, Distt. Chamba
10.	Gaj II HEP, M/s Gaj II, HEP, Chamba, Distt.-Chamba.
11.	Dehar SHEP, M/s Dehar SHEP, Chamba, Distt.-Chamba.
12.	Tulang HEP, M/s Tulang HEP, Chamba, Distt.-Chamba.
<b>Kangra</b>	
13.	Drinidhar HEP, M/s Vamshi Hydro Energies Pvt. Ltd., Udham Singh Thakur House, Opp, Sai Mahima Hospital, Ram Nagar, Dharamshala, Kangra
14.	Binwa - II, SHEP, Vill. Uttrala, Tehsil Palampur, Kangra, H. P.
15.	Upper Khauli SHEP, M/s Vamshi Hydro Energies Pvt. Ltd., Udham Singh Thakur House, Opp, Sai Mahima Hospital, Ram Nagar, Dharamshala, Kangra
16.	Khauli HEP, The Executive Engineer, Gaj Construction Div. Gharoh, Dharamshala, Distt. Kangra
17.	Neogal HEP, M/s Om Power Corporation Ltd., Vill. Bandla, P. O. Nachhir, Tehsil Palampur, Distt. Kangra. Palampur
18.	Baner Power House, Resident Engineer, Baner Power House Div. HPSEB, Jai, Distt. Kangra
19.	Baner-III , SHEP M/s Vamshi Hydro Energies Pvt. Ltd., Udham Singh Thakur House, Opp, Sai Mahima Hospital, Ram Nagar, Dharamshala, Kangra
20.	IOU-II , SHEP, M/s Vamshi Hydro Energies Pvt. Ltd., Udham Singh Thakur House, Opp, Sai Mahima Hospital, Ram Nagar, Dharamshala, Kangra
21.	Binwa SHEP, Vill. Shughar, P. O. Tea Estate Bundla Near Neugal Café, Tehsil Palampur, Distt. Kangra, H. P.
22.	Upper Awa SHEP, M/ S Astha projects (India) Ltd. Near Neugal Café, Bandla, Palampur, Kangra
<b>Kinnaur</b>	
23.	Sorang SHEP, M/s Himachal Sorang Power Pvt. Ltd. (Sorang HEP), # C-35, Lane- II, Sector- I, New Shimla
24.	Sechi SHEP, M/S DLI Power (India) Pvt. Ltd. Bldg. No. 21 R. H. - I, Visava Enclave, D.P. Road, Aundh, Pune Vill. Jhakri , Tehsil Rampur, Distt. Shimla.
25.	Rakchad SHEP, Village- Rakchad, Tehsil- Nichar, Distt.- Kinnaur.
26.	Shyang HEP, Kinnaur, M/S Sai Engineering Foundation , Sai Bhawan, Sector- IV, New Shimla

27.	Rukti II HEP, PO and Tehsil Sangla, Distt. Kinnaur, H. P.)
28.	Tangling HEP, M/s Sai Engineering Foundation Sai Bhawan Sector-4, New Shimla- 171009
<b>Kullu</b>	
29.	Chakshi HEP, Vill. Pugla, Manikaran, Distt. Kullu
30.	Marhi HEP, M/ S Sai Engineering Foundation, Sai Bhawan, New Shimla
31.	Jiwa HEP, M/s Chevron Hydel Pvt. Ltd. , Village- Siund, Sub Tehsil- Sainj, Distt.- Kullu
<b>Mandi</b>	
32.	Larji HEP, HPSEB, Sarabai, Bhunter, Kullu (Aut, Distt. Mandi).
33.	Patikari HEP, Vill. Gudah, Tehsil Chachiot, Mandi.
<b>Shimla</b>	
34.	Nathpa Jhakri Hydro Power Station (SJVN) NJPC (SJVNL), P. O. Jakhari, Tehsil, Rampur, Distt. Shimla.
35.	Sumez HEP on Sechi Khad , M/s Ranga Raju Ware Housing Complex, (Sumez SHEP- Rampur) B- 8 , Ground Floor, Sector- I, Lane - II, New Shimla, H. P. - 9
36.	Masli SHEP, Chirgaon, Teshil Rohrro, Distt. Shimla
37.	Andhra Power House,
38.	Manglad HEP HEP, Vill. & P. O. Majhewali, Tehsil Rampur, Distt. Shimla
39.	Andhra Stage-II HEP, The Resident Engineer, Andhra Power House Div. Chirgaon, Distt. Shimla, H. P.
40.	Sainj SHEP, Sainj Project Construction Circle, (Sainj HEP), HPPCL, Sarbari, Complex, Bhunter, Distt. Kullu, H. P. - 175125
<b>Sirmour</b>	
41.	Manal HEP, M/S Himalayan Crest Ltd., Vill. Manal, P. P. Sataun, Tehsil Paonta, Distt. Sirmour
42.	Chandni HEP, Sirmour, Distt.-Sirmour
43.	Giri Power House, HPSEB, Giri Nagar, Distt. Sirmour
44.	Palor-I HEP, Sirmour, Distt- Sirmour
45.	Timbi HEP, Vill. Manal, Tehsil Paonta, Sirmour



21-  
Annexure - R-9  
101

**H.P. STATE POLLUTION CONTROL BOARD**  
**HIM PARIVESH, PHASE-III**  
**NEW SHIMLA-171009**

**PUBLIC NOTICE**

Whereas Government of Himachal Pradesh has issued Notification dated 16.7.2005 and 09.09.2005 under Water Act, 1974 and Environment Protection Act, 1986, making it mandatory for all Hydro-electric Project to release 15% of water of the minimum inflow observed in the lean season, to the main river water body whose water is being harnessed by these project.

Whereas the State Board being monitoring agency has time and again asked all HEPs to adhere to the aforesaid direction/notification.

Whereas the State Board has issued Order No. PCB (59<sup>th</sup> Bd. Mtg.) Engg.(Consent Branch)/2009-6202-210 dated 4.7.2009 in exercise of the powers vested under Water Act, 1974 making it mandatory for all the existing and upcoming hydroelectric projects to install real time online continuous flow measurement and data logging device(s).

Whereas in the Original application No.498/2015 titled Sh. Pushp Saini V/s MoEF & CC & Ors. dated 9.8.2017 passed by Hon'ble NGT, Delhi wherein following directions has been passed "*All the rivers in the Country shall maintain 15% to 20% of the average lean season flow of that river. However whichever State is unable to adhere to this average percentage, in that event we grant liberty to the State Government to move the Secretary MOEF who shall in consultation with the Ministry of Water resources examine such a representation and if it is desirable to fix any lower percentage than the percentage aforesaid then it will pass appropriate order.*"

Whereas the State Board has recently issued notices to erring Hydro Projects but they have represented that installation of online continuous monitoring device to ensure discharge of 15% water in lean season is not plausible.

Whereas, the State Pollution Control Board is of the view that without such aforesaid mechanism, the release of water from such HEPs cannot be ascertained or verified and it is impossible to physically monitor the projects round the clock. In the absence of data on release of water from individual HEPs it is evident that HEPs who are wilfully violating the directions of the Government, issued under Water Act, 1974/Environment Protection Act, 1986 are constituting a cognizable offence under said Acts.

So through this Notice/Circular all erring HEPs who are not achieving the discharge of 15% water are hereby called upon to do the needful/install the real time online continuous flow measurement and data logging device(s) and ensure 15% release of water, non-compliance will be contempt of orders of Hon'ble NGT. which will be reported to Hon'ble NGT in ongoing litigation before Hon'ble NGT.

Legal action as per Water Act, 1974/Environment Protection Act, 1986 shall also be initiated without any further notice.

L  
Aditya Negi, (IAS)  
Member Secretary

No.PCB/Small HEPs/2018-19- 16105-114

Dated 27. 7. 2019

Copy forwarded to All the Regional Offices of the State Board to aware all HEP in their jurisdiction and to ensure release of 15% water as per orders of Hon'ble NGT and submit compliance report/ATR for the further action in the matter immediately.

Senior Environmental Engineer  
UNEP