

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI
ORIGINAL APPLICATION NO: 1 OF 2017 (SZ)**

IN THE MATTER OF:-

R. L. SRINIVASAN

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

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THROUGH

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NEW DELHI/CHENNAI

DATE: 29.01.2021

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ORIGINAL APPLICATION NO: 1 OF 2017 (SZ)**

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**WRITTEN SUBMISSION/OBJECTIONS ON BEHALF OF THE APPLICANT TO
THE REPORT DATED 18.11.2020 FILED BY THE JOINT COMMITTEE
MOST RESPECTFULLY SHOWETH:-**

1. That the above titled Original Application has been filed before this Hon'ble Tribunal under Sections 14 and 15 of the National Green Tribunal Act, 2010, highlighting the acts of the by TANGEDCO's Ennore Thermal Power Station (ETPS) by making illegal encroachment into the sea, while proceeding with the construction in respect of expansion of their project for which environment clearance and CRZ clearance were granted with certain general and special conditions. While proceeding with the construction work Respondent No.3 has encroached into the Kosathalaiyar River and Buckingham Canal and constructed roads and other structures beyond the permissive area without getting further necessary permission required under law.

MOEF&CC REPORT ON VIOLATION BY TANGEDCO

2. That an inspection was carried out by the Regional Office, MoEF&CC. The inspection report dated 01.11.2017 confirmed that:
 - a. M/s. TANGEDCO laid approach road no.1 at North Buckingham Canal located near western boundary of Ennore Thermal Power Station (ETPS) site for the construction of external coal conveyor system without obtaining the prior approval from MoEF&CC, New Delhi and Tamil Nadu Coastal Zone Management Authority (TNCZMA). However, the approach road no.1 has been reportedly removed during October,

2016 based on the directions of the District Collector, Tiruvallur District and the same does not exist at the site as observed during the visit.

- b. M/s. TANGEDCO has encroached upon and blocked the back waters of Ennore Creek beneath Ennore High Way bridge by establishing a approach road no.2 of 350 m length and 6 m width for the construction of external coal conveyor system without obtaining the prior approval from MoEF&CC, New Delhi and Tamil Nadu Coastal Zone Management Authority (TNCZMA).
 - c. Approach road no.2 clearly obstructs the natural flow of water within the Ennore Creek which may perhaps cause flood vulnerability in that area. Livelihood of communities in the surrounding Ennore Creek who directly depend on fishing activity may also be affected.
 - d. Ennore Creek wherein the approach road no.2 has been laid by M/s TANGEDCO falls within the Coastal Regulation Zone (CRZ) as per the Coastal Zone Management Plan (CZMP) for the State of Tamil Nadu as informed by the representative of TNPCB during the visit. In view of this, CRZ classification of this area and status of the land may be sought from the Competent Agencies. If CRZ violation has taken place appropriate action may be taken by the Competent Authority concerned.
3. Further, it is pertinent to note that the project proponent has repeatedly violated the Clearance granted for the proposed project as is evident from the perusal of the MoEF&CC's Site Inspection Report.
 4. That it is submitted by the Applicant that approach road 2 is a CRZ Violation has now been removed on instructions by the District Collector, Thiruvallur District. It is important to state here that the same has been done after the violations have been pointed out by the Applicant through this Original Application. Therefore, there is an urgent need to affix the responsibilities on those responsible for the environmental damage so caused and the violators need to be penalized .

5. That bearing in mind the repeated violations by the project proponent as outlined by the Inspection Report of the MoEF&CC and the location of the conveyer belt within ecologically sensitive CRZ area, the Applicants in all likelihood believe that the project proponent will again build another road blocking the Ennore Creek and Buckingham Canal, and the same would gravely affect not only the environment, but also the livelihoods of fishermen who depend on Ennore Creek and lives of people who will be affected by the floods. The Status Report filed by TNPCB clearly states that to carry out pile foundation work inside creek along the alignment of pipe conveyer, a temporary approach road necessarily to be formed using earth/sand to reach alignment and then only piles could be driven and RCC pillars could be raised above water level in Ennore Creek and Buckingham Canal.

6. That Inspection report dated 01.11.2017 of MoEF&CC clearly shows that TANGEDCO has failed to comply with most of the conditions specified in the Environmental & CRZ Clearance letters and most of the environment protection measures have not been followed.

Copy of the MoEF&CC's Report dated 01.11.2017 is annexed herewith as

ANNEXURE-A1

7. That it is pertinent to note that the MoEF&CC, vide letter J-13012/07/2014-IA.I(T)pt. dated 22.01.2018 has, while taking cognizance of the violations as recorded in the Site Inspection Report, directed the Tamil Nadu Coastal Zone Management Authority to initiate action against TANGEDCO under Sections 15, 16, 17 and 19 of the Environment (Protection) Act, 1986 and has issued a show cause notice to TANGEDCO in the same letter.

Copy of letter J-13012/07/2014-IA.I(T)pt. dated 22.01.2018 and show cause notice in the same letter is annexed herewith as **Annexure A-2.**

8. That on the basis of precautionary principle which forms one of one of the fundamental principles of environmental law, precautionary action should be taken before this issue reaches the stage of affecting the environment and fe and livelihood of citizens. In ***Vellore Citizens Welfare v. Union of India &Ors.***

[(1996) 5 SCC 647], the Hon'ble Supreme Court held that precautionary principle in the context of municipal laws means environment measures by the State Government and the statutory authorities must anticipate, prevent and attack the causes of environmental degradation.

Joint Committee Report dated 18.11.2020

9. That vide it's Order dated 13.12.2019 this Hon'ble Tribunal has appointed a Joint Committee to give it's Report in this matter and the said Report dated 18.11.2020 has been filed before this Hon'ble Tribunal. On the Report of the Joint Committee it is stated as follows:-

- (i) The Joint Committee Report concludes that the roads were laid in violation of CRZ clearances held by the company at the time of the violation, as substantiated also by the orders of the district collector to remove such obstructions. Although the company has been held guilty of violating the law and the conditions in the EC they are bound by, no punitive action is recommended by the committee. Environmental damages should have been recommended on the Respondent No.3 for such admitted violations.
- (ii) Mere cognizance of the violation, with a caveat that such an violation would be carried out again for the construction of the Coal conveyor system in the last point of Para 9.0 Conclusion, makes it seem as if the TNPCB is acting on behalf of TANGEDCO and is not serious about the checking the violation. No such construction should be carried out which would have adverse environmental impact in the area.
- (iii) The feasibility of using the existing railway track to evacuate coal from NCTPS to the ETPS must be studied and if possible the need for a new conveyor belt must be done away with
- (iv) The NOC from the PWD was obtained in 2015 for Right of Way for the construction of coal conveyer system. Total of 07 years has passed since the ROW was given, and no construction has begun, TANGEDCO must be made to obtain a new ROW in case they plan to restart the construction of

the conveyer belt system. New ROW must be considered by the PWD after a thorough carrying capacity study to ascertain the existing impact of the bridges already present across Ennore Creek on water flow, currents, drainage capacity, impact of piling on river bed etc.

- (v) If the construction of the conveyor belt system is restarted, the Hon'ble NGT should appoint a committee - comprising of a PWD official among others to oversee the pre-construction, during construction and post construction impact assessment must be carried out. In case such committee is being formed then it should have representation from fishing community and the Applicant also.
- (vi) A socio-economic study must be carried out to understand the impacts of such construction across the river on the local fisheries, and a moratorium imposed on the construction of any new structures across the Ennore creek
- (vii) In accordance with the standard conditions issued for the Thermal Power Plants, a baseline health assessment must be carried out in the study area to understand the future impact of increase in coal transport in the area.
- (viii) There should be an oversight committee appointed by this Hon'ble Tribunal which ensures that there is no violation of environmental law and such oversight committee should have representation from fishing community and the Applicant also.

It is therefore prayed that directions may be issued in view of the prayer in the Original Application, MoEF&CC's Report dated 01.11.2017 and the above submissions

THROUGH

RITWICK DUTTA SAURABH SHARMA G. STANLY HEBZON SINGH
ADVOCATES
 COUNSELS FOR THE APPLICANT

NEW DELHI/CHENNAI

DATE:29.01.2021

Union Environment Ministry Finds TANGEDCO Guilty of Blocking Ennore Backwater with Illegal Road

3 November, 2017. CHENNAI — An inspection report dated 01/11/2017 submitted by the Regional Office of the Ministry of Environment, Forests and Climate Change, Nungambakkam, has confirmed that “M/S TANGEDCO has encroached upon and blocked the backwaters of Ennore Creek beneath the Ennore Highway bridge by establishing a approach road no. 2 of 350 m length and 6 m width for the construction of external coal conveyor system without obtaining the prior approval from MoEF&CC, New Delhi and Tamil Nadu Coastal Zone Management Authority (TNCZMA).” The inspection was conducted based on complaints made by fishermen and social activists.

The Regional Office also reported that: “Approach road no. 2 clearly obstructs the natural flow of water within the Ennore Creek which may perhaps cause flood vulnerability in that area. Livelihood of communities in the surrounding Ennore Creek who directly depend on fishing activity may also be affected.” This matter was brought to the notice of the TNCZMA in June 2017 when fisherfolk and city environmentalists warned that the illegal road would create a dangerous situation as it prevented the drainage of Kosasthalai's waters into sea.

Ennore fisherfolk said they were very disappointed with the district administration's failure to remove encroachments in Ennore Creek. “After actor Kamal visited this place, the District Collector and PWD promised to remove encroachments. They have done nothing, and now we are sitting on a dangerous situation. If the authorities don't remove it, we will have to do it ourselves,” said P. Mahendran, a fisherman from Kattukuppam.

“In 2015, we took 100 boats and rescued 30,000 people from north Chennai. We are prepared to help again if the need arises. But the Government should not make a bad situation worse by tolerating such blatant encroachments,” said R. L. Srinivasan, another fisher leader from Ennore.

Relevant documents have been uploaded on www.storyofennore.wordpress.com

For more information, contact: R.L. Srinivasan -- 9884280891; Nityanand Jayaraman 9444082401

கொசஸ்தலையாற்றை மறித்து TANGEDCO-வால் அமைக்கப்பட்ட சாலை சட்டமீறலா கட்டப்பட்ட ஆக்கிரமிப்பு என மத்திய சுற்றுசூழல் அமைச்சகம் தெரிவித்துள்ளது

3 November, 2017. CHENNAI — மத்திய சுற்றுசூழல் அமைச்சகத்தின் நுங்கம்பாக்கத்திலுள்ள வட்டார அலுவலகம் அமைச்சகத்தின் இணையத்தளத்தில் 1 நவம்பர் அன்று பதிவேற்றம் செய்துள்ள ஆய்வறிக்கையில் TANGEDCO நிறுவனம் சட்டத்தை மீறி, எந்த அனுமதியின்றி எண்ணூர் கழிமுகத்தை ஆக்கிரமித்து எண்ணூர் நெடுஞ்சாலையின் பாலத்தின் கீழ் 350 மீ நிலமும் 6 மீ அகலமுள்ள சாலை அமைத்ததாக உறுதி செய்யப்பட்டுள்ளது. இதற்கு முன்பு 2016-இல் போலீஸ் பாதுகாப்போட பக்கிங்காம் கால்வையின் மேல் போடப்பட்ட சாலை ஒன்றை மீனவர் போராட்டத்தை ஒட்டி பேரிடர் மேலாண்மை குழுமத்தின் உத்தரவின் படி தூர்வாரப்பட்டு எடுக்கப்பட்டது. இவ்வறிக்கைக்காக செய்துள்ள ஆய்வும் மீனவ மக்கள் மற்றும் சமூக செயல்பாட்டாளர்களின் புகாரின் அடிப்படையில் தான் மேற்கொள்ளப்பட்டது.

இவ்வறிக்கையில் மேலும் கூறியது என்னவென்றால்: "[TANGEDCO-வால் அமைக்கப்பட்ட] சாலை எண்ணூர் கழிமுகத்தின் இயற்கையாக உள்ள நீர் ஓட்டத்தை தடுப்பதால் அப்பகுதியில் வெள்ள அபாயத்தை அதிகரிக்கும் வாய்ப்பு உள்ளது. மேலும் எண்ணூர் கழிமுகத்தை நம்பியிருக்கும் மீனவ மக்களின் வாழ்வாதாரமும் பாதிக்கக்கூடும். மத்திய சுற்றுசூழல் அமைச்சகம் மற்றும் மாநில கடற்கரை மண்டல மேலாண்மை குழுமத்திடமிருந்து வாங்க வேண்டிய எந்த அனுமதியும் வாங்க படவில்லை என்று இவ்வறிக்கையில் தெளிவாக கூறியுள்ளது.

இந்த சட்ட மீறல் மாநில கடற்கரை மண்டல மேலாண்மை குழுமம் மற்றும் தலைமை செயலாளர் கவனத்திற்கு ஜூன் 2017-இல் மீனவர் மற்றும் சுற்றுசூழல் ஆர்வலர்கள் கொண்டு சென்றன. இச்சாலை கொசஸ்தலையின் வெள்ள நீரை தடுத்து அபாயகரமான சூழலை உருவாக்கும் என்று எச்சரித்தும் மாவட்ட ஆட்சியரோ எந்த அரசு துறையோ நடவடிக்கை எடுக்க வில்லை.

ஆக்கிரமிப்புகளை எடுக்காததில் தெளிவாகின அரசின் மெத்தன போக்கை கண்டு மீனவர்கள் வருத்தம் தெரிவித்தனர். "நடிகர் கமல் வந்து சென்ற பின், மாவட்ட ஆட்சியரும் பொது பணி துறையும் எண்ணூர் உப்பங்கழியிலுள்ள ஆக்கிரமிப்புகளை எடுப்பதாக வாக்குறுதி கொடுத்தார். ஆனால் ஒன்றும் செய்ய வில்லை. அரசே முன் வந்து இந்த ஆக்கிரமிப்பை எடுக்காவிட்டால், எங்களை பாதுகாக்க நாங்களே இதை எடுக்கவேண்டியிருக்கும்," என கட்டுக்குப்பத்தை சேர்ந்த ப. மகேந்திரன் கூறினார்.

"2015-இல், நாங்கள் 100 படகுகள் கொண்டு 30000 பேர்களை மீட்டு வந்தோம். தேவை இருந்தால் மறுபடியும் உதவி செய்ய கடமை பட்டிருக்கோம். ஆனால் அரசே இதுபோன்ற ஆக்கிரமிப்புகளை ஆதரித்து இருக்கிற மோசமான சூழலை இன்னும் மோசமாக ஆக்க கூடாது," என்று எண்ணூர் மீனவ கிராம நிர்வாகி R.L. சீனிவாசன்.

ஆதார ஆவணங்கள் storyofennore.wordpress.com-இல் பதிவேற்றம் செய்யப்பட்டுள்ளது.

மேலும் தகவலுக்கு தொடர்பு கொள்ளவும்: R.L. Srinivasan -- 9884280891; Nityanand Jayaraman 9444082401



Ministry of Environment, Forest and Climate Change (MoEF&CC)
Regional Office – South Eastern Zone
Nungambakkam, Chennai – 600034.

MONITORING REPORT

PART I

DATA SHEET

F.No. EP/12.1/828 & 898/TN

1		Project Type River valley / Mining / Industry / Thermal / Nuclear / Other Specify	:	Thermal Power Plant & CRZ
2		Name of the project	:	i. 1x660MW Imported coal based super critical Ennore Thermal Power Station at Village Ernavur, Taluk Ambathur, District Thiruvallur, Tamil Nadu by M/s Tamil Nadu Generation and Distribution Corporation (TANGEDCO) [earlier M/s. TNEB] ii. Setting up of coal conveyor (pipe conveyor) and intake and outfall waterlines for the proposed Ennore Thermal Power Project Annexe by Tamil Nadu Electricity Board (TNEB)
3		Clearance letter(s) / OM No. and dated	:	i. J-13011/62/2008-IA. II (T), dated 3/6/2009, 24/01/2013 and 18/09/2014. ii. 11-100/2008-IA.III dated 23/12/2008 and 31/03/2014.
4		<u>Locations</u>	:	
	a.	Taluk(s) District	:	Ernavur village, Ambattur taluk, Thiruvallur
	b.	State (s)	:	Tamil Nadu
	c.	Latitudes / Longitudes	:	13° 12' 2.87" N, 80° 18' 29.26" E
5		<u>Address of correspondence</u>	:	
	a.	Address of concerned project Chief Engineer (with Pin Code & telephone / telex / fax numbers)	:	Shri S. Marimuthu, Chief Engineer - Civil, ETPS Expansion Project, TANGEDCO, ETPS, Ennore, Chennai – 600057. Cell no: 9445448872
	b.	Address of Executive Project Engineer/ Manager (with Pin Code/fax numbers)	:	-do-
6		<u>Salient features:</u>	:	

	a.	Salient features of the project	:	<u>Thermal power plant:</u> Project involves setting up of 1x660 MW Imported coal based super critical Ennore Thermal Power Station. <u>CRZ facilities:</u> Project involves setting up of coal conveyor (pipe conveyor) and construction of seawater intake and outfall water lines for the proposed imported coal based super critical Ennore Thermal Power Station.
	b.	Environmental management plans	:	Covered in the EIA/EMPs submitted to the Ministry of Environment, Forests and Climate Change (MoEF&CC) for approval at the time of grant of Environmental and CRZ Clearance.
7		<u>Breakup of the project area:</u>		
	a	Project area	:	84 acres
8		Break up of project affected population with enumeration of those losing houses / dwelling units only, agricultural land only, both dwelling units and agricultural land and landless labourers / artisans		Nil
	a	SC,ST/Adivasis	:	Not Applicable
	b	Others	:	Not Applicable
9		<u>Financial Details:</u>		
	a	Project cost as originally planned and subsequent revised estimates and the years of price reference	:	Rs. 3060 Crores as per the Environmental Clearance. Rs. 4956.06 Cr as per Detailed Project Report. Rs. 5421 Crores 2016-17 including land cost, IDC and financing charges (As per the project proponent)
	b	Allocations made for environmental management plans, with item wise and year wise breakup	:	Rs. 232 Crores as per the Environmental Clearance.
	c	Benefit cost ratio / internal rate of return and the years of assessment	:	Details not made available.
	d	Whether (c) includes the cost of environmental management as shown in (b) above	:	Details not made available.
	e	Total expenditure on the Project so far	:	Rs. 709 Crores (As per the project proponent)
	f	Actual expenditure incurred on the environmental management plans so far	:	Nil
10		<u>Forest land requirement:</u>	:	Nil
	a	The status of approval for a diversion of forest land for non-forestry use	:	Not Applicable

	b	The status of compensatory afforestation, if any	:	Not Applicable
	c	The status of clear felling	:	Not Applicable
	d	Comments on the viability and sustainability of compensatory afforestation programme in the light of actual field experience so far	:	Not Applicable
11		The status of clear felling in non-forest area (such as submergence area of reservoir, approach road), if any, with quantitative information	:	Not Applicable
12		<u>Status of construction:</u>		
	a	Date of commencement	:	<u>Thermal power plant:</u> 08.07.2013 (Site leveling work started) 20.10.2014 – Date of handing over of site to EPC contractor. <u>CRZ facilities:</u> Not yet started except formation of two approach roads for construction of external coal conveyor (pipe conveyor) system.
	b.	Date of completion (actual and / or planned)	:	<u>Thermal power plant & CRZ facilities:</u> <u>Planned : 13.01.2018 (COD)</u> <u>Actual: Due to slippage of work by the EPC (Engineering, Procurement & Construction) contractor, the COD will get postponed as informed during the visit.</u>
13		Reasons for the delay if the project is yet to start.	:	Nil
14		<u>Date of site visit:</u>		
	a	The dates on which the project was monitored by the Regional Office on previous occasions, if any	:	28/11/2013
	b	Date of site visit for this monitoring report	:	16/10/2017

PROJECTS RELATED DETAILS

i Details of EC & CRZ Clearance:

Ministry of Environment, Forest and Climate Change (MoEF&CC), New Delhi has accorded following Environmental Clearance (EC) and Coastal Regulation Zone (CRZ) clearance to M/s.TANGEDCO (earlier M/s. TNEB) **[here in after Project Proponent (PP)]:**

S.No.	Name of the project	EC & CRZ reference no. & date	Remarks
A.	1x660MW Imported coal based super critical Ennore Thermal Power Station at Village Ernavur, Taluk Ambathur, District Thiruvallur, Tamil Nadu by M/s TANGEDCO (earlier M/s. TNEB)	J-13011/62/2008-IA.II (T) dated 3/06/2009 and 24/01/2013	EC validity was extended by MoEF&CC vide letter dated 18/09/2014 till 2/06/2019 to start the production operations.

S.No.	Name of the project	EC & CRZ reference no. & date	Remarks
B.	Setting up of coal conveyor (pipe conveyor) and intake and outfall waterlines for the proposed Ennore Thermal Power Project Annexe by Tamil Nadu Electricity Board (TNEB)	11-100/2008-IA-III dated 23/12/2008	CRZ validity was extended up to 22/12/2018 by MoEF&CC vide letter dated 31/03/2014.

ii. Details of Consent to Establish (CTE):

Tamil Nadu Pollution Control Board (TNPCB) has accorded CTE vide Proceedings No. T4/F025344/ TNPCB/ RL/TVLR/A/ 2012 dated 18.02.2013 under Air (Prevention & Control of Pollution) Act, 1981 as amended in 1987 and Proceedings No. T4/ F025344/ TNPCB/ RL/ TVLR/ W/2012 dated 18.02.2013 under Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 respectively. The extensions of validity of CTE for the project has also been issued up to 31/03/2019 by TNPCB vide order dated 28/03/2016.

iii. Present status of the project:

It was informed by the project proponent during the visit that EPC (Engineering, Procurement & Construction) contract for execution of the project has been awarded to M/s. LANCO Infratech Limited, Gurgaon, Haryana.

A. 1x660 MW Imported coal based super critical Ennore Thermal Power Plant (TPP):

It is observed during the visit that construction activities of the 660 MW TPP is under progress. Photographs taken during the visit are given below:

Figure 1: Photograph depicting TPP ongoing construction activities



Figure 2: Photograph depicting TPP ongoing construction activities



Figure 3: Photograph depicting TPP ongoing construction activities



B. CRZ facilities [Coal conveyor (pipe), seawater intake & outfall water lines]:

It is observed during the visit that **project activity is not yet started except formation of two approach roads as detailed below for construction of external coal conveyor system.**

PP informed during the visit that as part of their CRZ clearance, for coal transportation from M/s. Kamarajar Port to the Ennore Thermal Power Station (ETPS) project site an external coal conveyor system is envisaged originating from existing NCTPS-I (North Chennai Thermal Power Station-1) crossing over the Ennore Highways (HW) Bridge, Ennore Creek, Buckingham Canal, Chennai-Howrah Railway traction and ending at ETPS project site as informed.

Total length of the coal conveyor is 6,127 m (belt conveyor – 1,245 m and pipe conveyor – 4,882 m) as informed. Total width of the coal conveyor is 6 m as informed. Further, informed that out of 6,127 m coal conveyor length,

- 2,900 m lies within the back waters of Ennore creek and Buckingham canal.
- Remaining length of 3,227 m lies in the land area of NCTPS-I and ETPS boundary.

For the setting up of coal conveyor of 2,900 m length, pile foundation, RCC pillars and steel truss structures are to be constructed inside back waters of Ennore creek and Buckingham canal as informed by the PP. For this purpose, PP informed that they have laid following two approach roads as detailed below. Also PP informed that PWD (Public Works Department) are the owners of Ennore creek, necessary Right of Way permission has been obtained from the Chief Engineer, WRD, Chennai Region vide Lr.no.T5(3)/7949/2008 dated 21.5.2008 for construction of a new pipe conveyor system for movement of coal from NCTPS-1 to the ETPS site through Ennore creek, Island land area and Buckingham Canal specified in their schedule on Lease rent basis for a period of three years. Later, revised permission was also obtained vide Lr.no.T1/7949/ 2008/ dated 01.07.2015 for construction of a new pipe conveyor system by crossing over North Buckingham Canal and Ennore Creek back water in 3 stretches. A copy of the letter dated 1/07/2015 made available during the visit is enclosed as **Annexure – I.**

I. Approach road No.1:

PP informed that approach road no.1 was formed using excavated earth and sand by M/s. Lanco through their sub-contractor M/s. Geo Foundation Limited, Chennai during June-August 2016 in North Buckingham Canal @ Left Side (LS) 14500 m near ETPS western boundary and for length of about 50m in Ennore Creek water near ETPS intake with hume pipes for ensuring free flow of water as informed.

Further informed that consequent to the meeting held on 30/9/2016 at 'Ezilagam' Chennai on the subject of "Mitigation of Flood Risk in North Chennai" and as per the decision taken by the District Collector, Tiruvallur District, M/s. Lanco removed the approach road no.1 on 15/10/2016. Thereafter, the site was inspected by the District Collector on 21/10/2016.

It is observed during the visit that aforesaid approach road no.1 was laid without obtaining the prior approval from MoEF&CC, New Delhi and Tamil Nadu Coastal Zone Management Authority (TNCZMA). However, the approach road no.1 has been reportedly removed during October, 2016 based on the direction of District Collector, Tiruvallur and the same is not exist at the site as observed during the visit. Photographs taken during the visit depicting the view of the removed approach road no.1 made within North Buckingham Canal and Ennore Creek is given below.

Figure 4: Photograph depicting removed approach road no.1 made within North Buckingham Canal



Figure 5: Photograph depicting removed approach road no.1 made within Ennore Creek



II. Approach road No.2:

Approach road no. 2 (length- 350 m; width- 6m) is laid inside back waters of Ennore creek beneath Ennore High Way (HW) bridge during May, 2017 by using excavated earth and sand as informed. Height of the approach road is 30 cm above High Tide Line (HTL) and the depth of water is about 1.2 m to 2.5 m above slush level in the creek as informed.

It was informed by PP that after the construction of the external coal conveyer, the approach road no.2 formed inside the water body will be removed completely. Further, informed that Ennore creek wherein approach road no.2 has been laid by the PP joins Buckingham Canal water for its final run to the Bay of Bengal. Photographs of the approach road no. 2 taken during the visit are given below:

Figure 6: Photograph depicting the approach road no.2 laid inside Ennore creek



Figure 7: Photograph depicting the approach road no.2 laid inside Ennore creek



Figure 8: Photograph depicting the approach road no.2 laid inside Ennore creek



Figure 9: Photograph depicting the hume pipes below the approach road no. 2



It is inferred from above that

- i. M/s. TANGEDCO laid approach road no.1 at North Buckingham Canal located near western boundary of Ennore Thermal Power Station (ETPS) site for the construction of external coal conveyor system without obtaining the prior approval from MoEF&CC, New Delhi and Tamil Nadu Coastal Zone Management Authority (TNCZMA). However, the approach road no.1 has been reportedly removed during October, 2016 based on the directions of the District Collector, Tiruvallur District and the same is not exist at the site as observed during the visit.
- ii. M/s. TANGEDCO has encroached upon and blocked the back waters of Ennore Creek beneath Ennore High Way bridge by establishing a approach road no.2 of 350 m length and 6 m width for the construction of external coal conveyor system without obtaining the prior approval from MoEF&CC, New Delhi and Tamil Nadu Coastal Zone Management Authority (TNCZMA).
- iii. Approach road no.2 clearly obstructs the natural flow of water within the Ennore Creek which may perhaps cause flood vulnerability in that area. Livelihood of communities in the surrounding Ennore Creek who directly depend on fishing activity may also be affected.
- iv. Ennore Creek wherein the approach road no.2 has been laid by M/s TANGEDCO falls within the Coastal Regulation Zone (CRZ) as per the Coastal Zone Management Plan (CZMP) for the State of Tamil Nadu as informed by the representative of TNPCB during the visit. In view of this, CRZ classification of this area and status of the land may be sought from the Competent Agencies. If CRZ violation has taken place appropriate action may be taken by the Competent Authority concerned.

The above projects were monitored by the undersigned on 16/10/2017 along with the following Officers:

TNPCB, Tiruvallur District.

- i. Shri D.Vasudevan, District Environmental Engineer.

M/s. TANGEDCO.

- ii. Shri S. Marimuthu, Chief Engineer.

The status of compliance on the stipulated conditions contained in the EC and CRZ clearance cited above is given below in **Part II & Part III.**

This is approved by the Addl.PCCF (Central), RO-Chennai accorded vide diary no.1540 dated 1/11/2017.

(Sundar Ramanathan)
Scientist 'D'

PART II & III

DESCRIPTIVE REPORT ON STATUS OF COMPLIANCE TO THE CONDITIONS OF THE ENVIRONMENTAL CLEARANCE AND ENVIRONMENTAL MANAGEMENT

Subject: 1x660MW Imported coal based super critical Ennore Thermal Power Station at Village Ernavur, Taluk Ambathur, District Thiruvallur, Tamil Nadu by M/s Tamil Nadu Generation and Distribution Corporation (TANGEDCO) [earlier M/s. TNEB]

Reference: MoEF&CC letter no. J-13011/62/2008-IA. II (T), dated 3/6/2009, 24/01/2013 and 18/09/2014

S.No.	Conditions	Compliance Status
i.	No additional land in excess of 84 acres ha shall be acquired for any activity/facility of this project.	Agreed upon. It was submitted that this condition is noted and assured to abide by this condition.
ii.	Boundary of the proposed power project shall be outside the CRZ boundary. No activity shall be taken up except permissible activity with due clearance in the CRZ area.	Not complied. PP informed during the visit that their power project boundary is outside the CRZ area. However, no document in this regard has been made available during the visit. M/s. TANGEDCO has encroached upon and blocked the back waters of Ennore Creek beneath Ennore High Way bridge by establishing a approach road no.2 of 350 m length and 6 m width for the construction of external coal conveyor system without obtaining the prior approval from MoEF&CC, New Delhi and Tamil Nadu Coastal Zone Management Authority (TNCZMA). Ennore Creek wherein the approach road no.2 has been laid by M/s TANGEDCO falls within the Coastal Regulation Zone (CRZ) as per the Coastal Zone Management Plan (CZMP) for the State of Tamil Nadu as informed by the representative of TNPCB during the visit. In view of this, CRZ classification of this area and status of the land may be sought from the Competent Agencies. If CRZ violation has taken place appropriate action may be taken by the Competent Authority concerned.
iii.	Prior CRZ clearance for the activities/facilities to be located in the CRZ area shall be obtained before start of the work on the project.	Complied. Prior CRZ clearance for setting up of coal conveyor (pipe conveyor) and intake and outfall waterlines for the proposed Ennore Thermal Power Project has been obtained from

S.No.	Conditions	Compliance Status
		MoEF&CC vide letter no. 11-100/2008-IA-III dated 23/12/2008. CRZ validity was extended up to 22/12/2018 by MoEF&CC vide letter dated 31/03/2014.
iv.	Sulphur and ash contents in the indigenous coal to be used in the project shall not exceed 44.5% & 0.5% and in imported coal 8% & 0.6% respectively at any given time.	Agreed upon. Condition pertains to the operation phase of the project and the compliance status is yet to come.
v.	A single stack of 275 m height shall be provided with continuous online monitoring equipments for SO _x , NO _x and Particulate & Hg. Exit velocity of flue gases shall not be less than 22 m/sec.	Agreed upon. Stack of 275 m height is under construction as informed. Condition pertains to the operation phase of the project and the compliance status is yet to come.
vi.	High efficiency Electrostatic Precipitators (ESPs) shall be installed to ensure that particulate emission does not exceed 50 mg/Nm ³ .	Agreed upon. Condition pertains to the operation phase of the project and the compliance status is yet to come.
vii.	Space provision shall be kept for retrofitting of FGD, if required at a later date.	Agreed upon. Space provision for FGD has been made as informed by the PP. It was submitted that this condition is noted and assured to abide by this condition.
viii.	Adequate dust extraction system such as cyclones/ bag filters and water spray system in dusty areas such as in coal handling and ash handling points, transfer areas and other vulnerable dusty areas shall be provided.	Agreed upon. Condition pertains to the operation phase of the project and the compliance status is yet to come.
ix.	Fly ash shall be collected in dry form and storage facility (silos) shall be provided. 100% fly ash shall be disposed off in the ash pond in the form of High Concentration Slurry and the bottom ash in convention slurry mode. Mercury and other heavy metals (As, Hg, Cr, Pb etc.) will be monitored in the bottom ash as also in the effluents emanating from the existing ash pond.	Agreed upon. Condition pertains to the operation phase of the project and the compliance status is yet to come.
x.	Ash pond shall be lined with impervious lining. Adequate safety measures shall also be implemented to protect the ash dyke from getting breached.	Agreed upon. Condition pertains to the operation phase of the project and the compliance status is yet to come.
xi.	Recirculation type cooling system with Induced Draft Cooling Tower (IDCT) shall be provided and the effluents shall be treated as per the prescribed norms.	Agreed upon. Condition pertains to the operation phase of the project and the compliance status is yet to come.
xii.	The treated effluents conforming to the prescribed standards only shall be discharged. The temperature of the discharged effluents shall not exceed 5 ^o C	Agreed upon. Condition pertains to the operation phase of the project and the compliance status is yet to come.

S.No.	Conditions	Compliance Status
	over and above the ambient water temperature of Creek water/ receiving water body. The temperature of the discharged water shall be monitored continuously and records maintained.	
xiii.	A sewage treatment plant shall be provided and the treated sewage shall be used for raising greenbelt/plantation.	Agreed upon. PP informed during the visit that the STP is under construction and assured to abide by this condition.
xiv.	Rainwater harvesting should be adopted. Central Groundwater Authority/ Board shall be consulted for finalization of appropriate rainwater harvesting technology within a period of three months from the date of clearance and details shall be furnished.	Agreed upon. It was submitted that this condition is noted and assured to abide by this condition.
xv.	Adequate safety measures shall be provided in the plant area to check/minimize spontaneous fires in coal yard, especially during summer season. Copy of the these measures with full details along with location plant layout shall be submitted to the Ministry as well as to the Regional Office of the Ministry at Bangalore.	Agreed upon. Condition pertains to the operation phase of the project and the compliance status is yet to come.
xvi.	Storage facilities for auxiliary liquid fuel such as LDO and/ HFO/LSHS shall be made in the plant area where risk is minimum to the storage facilities. Sulphur content in the liquid fuel will not exceed 0.5%. Disaster Management Plan shall be prepared to meet any eventuality in case of an accident taking place. Mock drills shall be conducted regularly and based on the same, modifications required, if any shall be incorporated in the DMP.	Agreed upon. PP informed during the visit that the HSD and HFO tank are under construction as per norms. It was submitted that this condition is noted and assured to abide by this condition. PP informed that Disaster Management Plan is in place to meet any exigency situation. However, copy of the DMP has not been made available during the visit.
xvii.	Regular monitoring of ground water in and around the ash pond area including heavy metals (Hg, Cr, As, Pb) shall be carried out, records maintained and six monthly reports shall be furnished to the Regional Office of this Ministry.	Not complied. Construction activities for the power plant are under progress. PP informed during the visit that monitoring of ground water quality in and around the ash pond area including heavy metals will be undertaken only after the commissioning of the project. Regular monitoring of the ground water quality of the study area inter-alia including ash pond area is not being carried out and no records are maintained.
xviii.	A green belt of adequate width and density shall be developed around the	Agreed upon. PP informed during the visit that the

S.No.	Conditions	Compliance Status
	plant periphery covering 1/3 of total area preferably with local species.	construction activities for the power plant are under progress and assured to abide by this condition. Time bound action plan for the green belt development covering 1/3 of the project area shall be submitted to the Regional Office of the MoEF&CC.
xix.	Provision of Rs 3 Crores as capital and Rs. 1 Crores as recurring expenditure shall be earmarked for the activities to be taken up under CSR.	Agreed upon. PP informed during the visit that budget and fund allocation for the CSR activities has already been included in the project cost. It was assured to abide by this condition.
xx.	First aid and sanitation arrangements shall be made for the drivers and other contract workers during construction phase.	Complied. It was informed by the project proponent during the visit that EPC contract for execution of the project has been awarded to M/s. LANCO Infratech Limited, Gurgaon, Haryana. Necessary first aid and sanitation arrangements has been made for the drivers and contract workers.
xxi.	Noise levels emanating from turbines shall be so controlled such that the noise in the work zone shall be limited to 75 dBA. For people working in the high noise area, requisite personal protective equipment like earplugs/ear muffs etc. shall be provided. Workers engaged in noisy areas such as turbine area, air compressors etc. shall be periodically examined to maintain audiometric record and for treatment for any hearing loss including shifting to non-noisy/less noisy areas.	Refer below. Condition pertains to the operation phase of the project and the compliance status is yet to come. However, noise level monitoring during the construction phase has not been carried out and usage of Personal Protective Equipment (PPE) by the construction workers needs strict implementation.
xxii.	Regular monitoring of ground level concentration of SO ₂ , NO _x , Hg, SPM and RSPM shall be carried out in the impact zone and records maintained. If at any stage these levels are found to exceed the prescribed limits, necessary control measures shall be provided immediately. The location of the monitoring stations and frequency of monitoring shall be decided in consultation with SPCB. Periodic reports shall be submitted to the Regional Office of this Ministry. The data shall also be put on the website of the company.	Refer below. Condition pertains to the operation phase of the project and the compliance status is yet to come. However, Ambient Air Quality (AAQ) monitoring during the construction phase has not been carried out. Periodic monitored reports has not been submitted to the Regional Office of the MoEF&CC and data is not uploaded on the company's website.
xxiii.	Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets,	Complied. Labor colony with all necessary infrastructural facilities has been established near by the TANGEDCO

S.No.	Conditions	Compliance Status
	mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.	site for the housing of construction workers.
xxiv.	The project proponent shall advertise in at least two local newspapers widely circulated in the region around the project, one of which shall be in the vernacular language of the locality concerned within seven days from the date of this clearance letter, informing that the project has been accorded environmental clearance and copies of clearance letter are available with the State Pollution Control Board/Committee and may also be seen at Website of the Ministry of Environment and Forests at http://envfor.nic.in .	Not complied. PP informed during the visit that advertisement regarding accord of environmental was reportedly given in the two local newspapers during 2009. However, copy of the newspaper advertisements has not been made available during the visit. Hence, the compliance status could not be ascertained.
xxv.	A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parisad / Municipal Corporation, urban local Body and the Local NGO, if any, from whom suggestions/ representations, if any, received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.	Not complied. PP informed that copy of the environmental clearance was reportedly sent to the concerned Panchayat and Zila Parisad. However, proof in this regard has not been made available during the visit. Environmental Clearance letter has not been uploaded on the company's website.
xxvi.	A separate environment management cell with qualified staff shall be set up for implementation of the stipulated environmental safeguards.	Not complied. PP informed during the visit that one Asst. Executive Engineer is looking after the environmental related activities. On commissioning of the plant, a full-fledged Environmental cell will be formed. Separate Environment Management Cell with qualified staff has not set up at the site to look after the environment management related activities.
xxvii.	The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MOEF, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM, SO ₂ , NO _x (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the project shall	Not complied. Six monthly compliance reports along with the environmental monitored data (hard and soft copy) have not been submitted to the Regional Office of the MoEF&CC/Zonal Office of CPCB/SPCB and also not been uploaded on the company's website. Further, the ambient air quality monitored data has not been displayed at a convenient location near the main gate of the company and also not put

S.No.	Conditions	Compliance Status
	be monitored and displayed at a convenient location near the main gate of the company in the public domain.	up on the company's website.
xxviii.	The project proponent shall also submit six monthly reports on the status of the compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well by e-mail) to the respective Regional Office of MOEF, the respective Zonal Office of CPCB and the SPCB.	Not complied. Same as condition no. xxvii.
xxix.	<p>Regional Office of the Ministry of Environment & Forests located at Bangalore will monitor the implementation of the stipulated conditions.</p> <p>A complete set of documents including Environmental Impact Assessment Report and Environment Management Plan along with the additional information submitted from time to time shall be forwarded to the Regional Office for their use during monitoring.</p> <p>Project proponent will up-load the compliance status in their website and up-date the same from time to time at least six monthly basis. Criteria pollutants levels (Stack & ambient levels of NO_x) will be displayed at the main gate of the power plant.</p>	<p>Agreed upon.</p> <p>Not complied. A complete set of documents including Environmental Impact Assessment Report and Environment Management Plan has not been submitted to the Regional Office of the MoEF&CC.</p> <p>Six monthly compliance reports have not been uploaded on the company's website. Further, the ambient air quality monitored data has not been displayed at a convenient location near the main gate of the company and also not put up on the company's website.</p>
xxx.	Separate funds shall be allocated for implementation of environmental protection measures along with item-wise break-up. These cost shall be included as part of the project cost. The funds earmarked for the environment protection measures shall not be diverted for other purposes and year-wise expenditure should be reported to the Ministry.	Agreed upon. PP informed during the visit that an separate amount of Rs. 232 crores is earmarked for environmental protection measures. It was assured to abide by this condition.
xxxi.	The project authorities shall inform the Regional Office as well as the Ministry regarding the date of financial closure and final approval of the project by the concerned authorities and the date of start of land development work and commissioning of plant.	Not complied. Date of financial closure, date of final approval of the project by the concerned authorities and date of start of land development work has not been informed to the Regional Office of the MoEF&CC.
xxxii.	Full cooperation shall be extended to the Scientists/Officers from the Ministry / Regional Office of the Ministry at Bangalore / the CPCB/ the SPCB who would be monitoring the compliance of environmental status.	Complied. Full co-operation extended during the visit.
xxxiii.	A long term study of radio activity and	Agreed upon.

S.No.	Conditions	Compliance Status
	heavy metals contents on coal to be used shall be carried out through a reputed institute. Thereafter mechanism for an in-built continuous monitoring for radio activity and heavy metals in coal and fly ash (including bottom ash) shall be put in place.	Condition pertains to the operation phase of the project and the compliance status is yet to come.
xxxiv.	Regular monitoring of heavy metal contents in and around existing ash pond shall be carried out and records maintained. In case heavy metals are detected in ground water quality, immediate remedial measures (including decontamination) shall be taken up and reported to the R.O of the Ministry.	Not complied. Regular monitoring of the heavy metal contents in the ground water in and around the existing ash pond has not been carried out and no records are made available during the visit. Hence, the compliance status could not be ascertained.
xxxv.	Criteria pollutants levels including NO _x , RSPM (PM ₁₀ & PM _{2.5}), SO _x (from stack & ambient air) Shall be regularly monitored and results displayed in your website and also at the main gate of the power plant.	Not complied. Ambient air quality monitored data has not been displayed at a convenient location near the main gate of the company and also not put up on the company's website.
xxxvi.	Vision document specifying prospective plan for the site shall be formulated and submitted to the Regional Office of the Ministry within six months.	Not complied. Vision document specifying prospective plan for the site has not been formulated and submitted to the Regional Office of the MoEF&CC.
xxxvii.	Harnessing solar power within the premises of the plant particularly at available roof tops shall be undertaken and status of implementation shall be submitted periodically to the Regional Office of the Ministry.	Agreed upon. PP submitted that the condition is "Noted" and assured to abide by this condition.
xxxviii.	Mercury emissions from stack shall also be monitored on periodic basis.	Agreed upon. Condition pertains to the operation phase of the project and the compliance status is yet to come.
xxxix.	Fugitive emissions from stack shall also be monitored on periodic basis	Agreed upon. Condition pertains to the operation phase of the project and the compliance status is yet to come.
xl.	No ground water shall be extracted for use in operation of the power plant even in lean season. No water bodies including natural drainage system in the area shall be disturbed due to activities associated with the setting up / operation of the power plant.	Agreed upon. Condition pertains to the operation phase of the project and the compliance status is yet to come. Not complied. PP informed during the visit that there is no natural drainage system and water body within the plant site. Natural drainage and water bodies will not be disturbed during construction phase as informed during the visit. However, M/s. TANGEDCO has

S.No.	Conditions	Compliance Status
		encroached upon and blocked the back waters of Ennore Creek beneath Ennore High Way bridge by establishing a approach road no.2 of 350 m length and 6 m width for the construction of external coal conveyor system without obtaining the prior approval from MoEF&CC, New Delhi and Tamil Nadu Coastal Zone Management Authority (TNCZMA).
xli.	Fly ash shall not be used for agricultural purpose. No mine void filling will be undertaken as an option for ash utilization without adequate lining of mine with suitable media such that no leachate shall take place at any point of time. In case, the option of mine void filling is to be adopted, prior detailed study of soil characteristics of the mine area shall be undertaken from an institute of repute and adequate clay lining shall be ascertained by the State Pollution Control Board and implementation done in close co-ordination with the State Pollution Control Board.	Agreed upon. Condition pertains to the operation phase of the project and the compliance status is yet to come.
xlii.	Green belt shall also be developed around the Ash Pond over and above the Green Belt around the plant boundary.	Agreed upon. PP informed during the visit that the construction activities for the power plant are under progress and assured to abide by this condition. Time bound action plan for the green belt development covering 1/3 of the project area shall be submitted to the Regional Office of the MoEF&CC.
xliii.	A common Green Endowment Fund shall be created and the interest earned out of it shall be used for the development and management of green cover of the area.	Agreed upon. PP submitted that the condition is "Noted" and assured to abide by this condition.
xliv.	CSR schemes identified based on public Hearing issues and need based assessment shall be implemented in consultation with the village Panchayat and the District Administration starting from the development of project itself. As part of CSR prior identification of local employable youth and eventual employment in the project after imparting relevant training shall be also undertaken. Company shall provide separate budget for community development activities and income generating programmes.	Agreed upon. PP informed during the visit that budget and fund allocation for the CSR activities has already been included in the project cost. It was assured to abide by this condition.
xlv.	For proper and periodic monitoring of CSR activities, a CSR committee or a	Agreed upon. PP submitted that the condition is

S.No.	Conditions	Compliance Status
	Social Audit committee or a suitable credible external agency shall be appointed. CSR activities shall also be evaluated by an independent external agency. This evaluation shall be both concurrent and final.	"Noted" and assured to abide by this condition.
xlvi.	An Environment Cell comprising of at least one expert in environmental science/ engineering, ecology, occupational health and social science, shall be created preferably at the project site itself and shall be headed by an officer of appropriate superiority and qualification. It shall be ensured that the Head of the Cell shall directly report to the Head of the Plant who would be accountable for implementation of environmental regulations and social impact improvement/ mitigation measures.	Not complied. PP informed during the visit that one Asst. Executive Engineer is looking after the environmental related activities. On commissioning of the plant, a full-fledged Environmental cell will be formed. Separate Environment Management Cell with qualified staff has not set up at the site to look after the environment management related activities.
xlvii.	The environment statement for each financial year ending 31 st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the respective Regional Office of the Ministry by e-mail.	Not complied. Environmental Statement for each financial year has not been submitted to the TNPCB and also not been uploaded on the company's website.
xlviii.	The project proponent shall formulate a well laid Corporate Environment Policy and identify and designate responsible officers at all levels of its hierarchy for ensuring adherence to the policy and compliance with the conditions stipulated in this clearance letter and other applicable environmental laws and regulations.	Agreed upon. PP submitted that the condition is "Noted" and assured to abide by this condition.
4.	The Ministry of Environment and Forests reserves the right to revoke the clearance if conditions stipulated are not implemented to the satisfaction of the Ministry. MOEF may impose additional environmental conditions or modify the existing ones, if necessary.	Agreed upon. PP submitted that the condition is "Noted" and assured to abide by this condition.
5.	The environmental clearance accorded shall be valid for a period of 5 years to start operations by the power plant.	Refer below. EC validity was extended by MoEF&CC vide letter dated 18/09/2014 till 2/06/2019 to start the

S.No.	Conditions	Compliance Status
		production operations of the power plant.
6.	In case of any deviation or alteration in the project proposed including coal transportation system from those submitted to this Ministry for clearance, a fresh reference should be made to the Ministry to assess the adequacy of the condition(s) imposed and to add additional environmental protection measures required, if any.	<p>Not complied.</p> <p>M/s. TANGEDCO has encroached upon and blocked the back waters of Ennore Creek beneath Ennore High Way bridge by establishing a approach road no.2 of 350 m length and 6 m width for the construction of external coal conveyor system without obtaining the prior approval from MoEF&CC, New Delhi and Tamil Nadu Coastal Zone Management Authority (TNCZMA). Approach road no.2 clearly obstructs the natural flow of water within the Ennore Creek which may perhaps cause flood vulnerability in that area. Livelihood of communities in the surrounding Ennore Creek who directly depend on fishing activity may also be affected.</p> <p>Ennore Creek wherein the approach road no.2 has been laid by M/s TANGEDCO falls within the Coastal Regulation Zone (CRZ) as per the Coastal Zone Management Plan (CZMP) for the State of Tamil Nadu as informed by the representative of TNPCB during the visit. In view of this, CRZ classification of this area and status of the land may be sought from the Competent Agencies. If CRZ violation has taken place appropriate action may be taken by the Competent Authority concerned.</p>
7.	The above stipulations would be enforced among others under the Water (Protection and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and rules there under, Hazardous Wastes (Management and Handling) Rules, 1989 and its amendments, the Public Liability Insurance Act, 1991 and its amendments.	<p>Complied.</p> <p>Construction activities of the power plant are under progress. Tamil Nadu Pollution Control Board (TNPCB) has accorded CTE vide Proceedings No. T4/F025344/ TNPCB/ RL/TVLR/A/ 2012 dated 18.02.2013 under Air (Prevention &Control of Pollution) Act,1981 as amended in 1987 and Proceedings No.T4/ F025344/ TNPCB/ RL/ TVLR/ W/2012 dated 18.02.2013 under Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 respectively. The extension of validity for CTE the project has also been issued up to 31/03/2019 by TNPCB vide order dated 28/03/2016.</p>

PART II & III

Subject: Setting up of coal conveyor (pipe conveyor) and intake and outfall waterlines for the proposed Ennore Thermal Power Project Annexe by Tamil Nadu Electricity Board (TNEB)

Reference: MoEF&CC letter no. 11-100/2008-IA.III dated 23/12/2008 and 31/03/2014

A. Specific conditions

S.No	Conditions	Compliance Status
i.	The entire pipeline shall be buried underground. The pipeline system and the discharge system should not affect the fishing and movement of fishermen.	Agreed upon Project activity is yet to start at the site and PP submitted that this condition is noted and assured to abide by this condition.
ii.	It shall be ensured that during handling, transportation, storage there shall be no dust generation/spillages. The entire system of handling cement within the port complex shall be covered. Water spray systems shall be installed at appropriate locations where there could be possibility of fugitive dust emission.	Agreed upon No cement is handled in this project. PP informed during the visit that coal from M/s Kamarajar port will be transported to the site through an external coal conveyor system originating from existing NCTPS-I (North Chennai Thermal Power Station-1) crossing over the Ennore Highways (HW) Bridge, Ennore Creek, Buckingham Canal and Chennai-Howrah Railway traction as informed. Project activity is yet to start at the site and PP submitted that this condition is noted and assured to abide by this condition. However, Ennore Creek wherein the approach road no.2 has been laid by M/s TANGEDCO falls within the Coastal Regulation Zone (CRZ) as per the Coastal Zone Management Plan (CZMP) for the State of Tamil Nadu as informed by the representative of TNPCB during the visit. In view of this, CRZ classification of this area and status of the land may be sought from the Competent Agencies. If CRZ violation has taken place appropriate action may be taken by the Competent Authority concerned.
iii.	Arrangement for treatment of liquid effluents shall be made so as to ensure that the untreated effluents are not allowed to be discharged into the sea/marine water.	Agreed upon Project activity is yet to start at the site and PP submitted that this condition is noted and assured to abide by this condition.
iv.	Appropriate safety devices such as masks shall be provided for use by the	Agreed upon Project activity is yet to start at the

S.No	Conditions	Compliance Status
	workers at the site and their usage by them shall be ensured.	site and PP submitted that this condition is noted and assured to abide by this condition.
v.	No other products other than the cement shall be handled, stored or transported in the Coastal Regulation Zone area.	Agreed upon No cement is handled in this project. Project activity is yet to start at the site and PP submitted that this condition is noted and assured to abide by this condition.

B. General conditions

S.No.	Conditions	Compliance Status
i.	A separate Environment Management Cell with suitably qualified staff to carry put various environment related functions shall be set up under the charge of a Senior Executive who will report directly to the Chief Executive of the Company.	Not complied. PP informed during the visit that one Asst. Executive Engineer is looking after the environmental related activities. On commissioning of the plant, a full-fledged Environmental cell will be formed. Separate Environment Management Cell with qualified staff has not set up at the site to look after the environment management related activities.
ii.	The project will be monitored by this Ministry's Regional Office at Bangalore. Full support shall be extended to the officers of this Ministry's Regional Office at Bangalore and the officers of the Central and State Pollution Control Board by the project proponents during the inspection for monitoring purposes by furnishing full details and action plans including the action taken reports in respect of Mitigative measures and other environmental protection activities.	Agreed upon. Complied. PP extended full co-operation during the visit.
iii.	In case of deviation or alteration in the project including the implementing agencies, a fresh reference shall be made to this Ministry for modification in the clearance conditions or imposition of new ones for ensuring environmental protection. The project proponent shall be responsible for implementing the suggested safeguard measures.	Not complied. M/s. TANGEDCO has encroached upon and blocked the back waters of Ennore Creek beneath Ennore High Way bridge by establishing a approach road no.2 of 350 m length and 6 m width for the construction of external coal conveyor system without obtaining the prior approval from MoEF&CC, New Delhi and Tamil Nadu Coastal Zone Management Authority (TNCZMA).
iv.	This Ministry reserves the right to revoke this clearance, if any of the conditions stipulated are not complied with to the	Agreed upon. PP submitted that the condition is "Noted" and assured to abide by this

S.No.	Conditions	Compliance Status
	satisfaction of this Ministry.	condition.
v.	This Ministry or any other competent authority may stipulate any other additional conditions subsequently, if deemed necessary, for environmental protection, which shall be complied with.	Agreed upon. PP submitted that the condition is "Noted" and assured to abide by this condition.
vi.	A copy of the clearance letter shall be marked to the concerned Panchayat/local NGO, if any, from whom any suggestion/representation has been received while processing the proposal.	Not complied. PP informed that copy of the environmental clearance was reportedly sent to the concerned Panchayat and Zila Parisad. However, proof in this regard has not been made available during the visit.
vii.	State Pollution Control Board shall display a copy of the clearance letter at the Regional Office, District Industries Center and Collector's Office/Tehsildar's Office for 30 days.	Reportedly complied.
viii.	The project proponent shall advertise in at least two local newspapers widely circulated in the region around the project, one of which shall be in the vernacular language of the locality concerned informing that the project has been accorded environmental clearance and copies of clearance letter are available with the State Pollution Control Board and may also be seen at Website of the Ministry of Environment and Forests at http://envfor.nic.in . The advertisement shall be made within 7 days from the date of issue of the clearance letter and a copy of the same shall be forwarded to the Regional Office of this Ministry at Bangalore.	Not complied. PP informed during the visit that advertisement regarding accord of CRZ clearance was reportedly given in the two local newspapers during 2009. However, copy of the newspaper advertisements has not been made available during the visit. Hence, the compliance status could not be ascertained.
ix.	The project proponents shall inform the Bangalore Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities and the date of start of Land Development Work.	Not complied. Date of financial closure, date of final approval of the project by the concerned authorities and date of start of land development work has not been informed to the Regional Office of the MoEF&CC.
x.	Separate clearance shall be obtained by project proponent for handling and storage of these chemicals.	Agreed upon Project activity is yet to start at the site and PP submitted that this condition is noted and assured to abide by this condition.
xi.	Any appeal against this environmental clearance shall lie with the National Environment Appellate Authority, if preferred, within a period of 30 days as prescribed under Section 11 of the National Environment Appellate Act,	Agreed upon. PP submitted that the condition is "Noted" and assured to abide by this condition.

S.No.	Conditions	Compliance Status
	1997.	
5.	<p>The above mentioned stipulations will be enforced among others under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Hazardous Chemicals (Manufacture, Storage and Import) Rules, 1989, the Coastal Regulation Zone Notification, 1991 as amended subsequently and the Public Liability Insurance Act, 1991 and the Rules made thereunder from time to time.</p> <p>The project proponents shall also ensure that the proposal complies with the provisions of the approved Coastal Zone Management Plan of Tamil Nadu State and the Supreme Court's order dated 18th April, 1996 in the Writ petition No.664 of 1993 to the extent the same are applicable to this proposal.</p>	<p>Complied. Tamil Nadu Pollution Control Board (TNPCB) has accorded CTE vide Proceedings No. T4/F025344/TNPCB/ RL/TVLR/A/ 2012 dated 18.02.2013 under Air (Prevention &Control of Pollution) Act,1981 as amended in 1987 and Proceedings No.T4/ F025344/ TNPCB/ RL/ TVLR/ W/2012 dated 18.02.2013 under Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 respectively. The extension of validity for CTE the project has also been issued up to 31/03/2019 by TNPCB vide order dated 28/03/2016.</p> <p>Not complied. Ennore Creek wherein the approach road no.2 has been laid by M/s TANGEDCO falls within the Coastal Regulation Zone (CRZ) as per the Coastal Zone Management Plan (CZMP) for the State of Tamil Nadu as informed by the representative of TNPCB during the visit. In view of this, CRZ classification of this area and status of the land may be sought from the Competent Agencies. If CRZ violation has taken place appropriate action may be taken by the Competent Authority concerned.</p>

Comments and End note:-

1. **Status of implementation of stipulated conditions:-** It is inferred from above that the project proponent is not complying the following stipulated conditions of the Environmental Clearance and CRZ clearance:-

A. With respect to MoEF&CC letter no. J-13011/62/2008-IA. II (T) dated 3/6/2009, 24/01/2013 and 18/09/2014

- i. M/s. TANGEDCO laid approach road no.1 at North Buckingham Canal located near western boundary of Ennore Thermal Power Station (ETPS) site for the construction of external coal conveyor system without obtaining the prior approval from MoEF&CC, New Delhi and Tamil Nadu Coastal Zone Management Authority (TNCZMA). However, the approach road no.1 has been reportedly removed during October, 2016 based on the directions of the District Collector, Tiruvallur District and the same is not exist at the site as observed during the visit [**Condition no. ii**].
- ii. M/s. TANGEDCO has encroached upon and blocked the back waters of Ennore Creek beneath Ennore High Way bridge by establishing a approach road no.2 of 350 m length and 6 m width for the construction of external coal conveyor system without

obtaining the prior approval from MoEF&CC, New Delhi and Tamil Nadu Coastal Zone Management Authority (TNCZMA) **[Condition no. ii, xl and para 6]**.

- iii. Approach road no.2 clearly obstructs the natural flow of water within the Ennore Creek which may perhaps cause flood vulnerability in that area. Livelihood of communities in the surrounding Ennore Creek who directly depend on fishing activity may also be affected **[Condition no. ii, xl and para 6]**.
- iv. Ennore Creek wherein the approach road no.2 has been laid by M/s TANGEDCO falls within the Coastal Regulation Zone (CRZ) as per the Coastal Zone Management Plan (CZMP) for the State of Tamil Nadu as informed by the representative of TNPCB during the visit. In view of this, CRZ classification of this area and status of the land may be sought from the Competent Agencies. If CRZ violation has taken place appropriate action may be taken by the Competent Authority concerned **[Condition no. ii, xl and para 6]**.
- v. Document indicating the power project boundary outside the CRZ area has not been made available during the visit **(Condition no. ii)**.
- vi. Copy of the Disaster Management Plan (DMP) has not been made available during the visit **(Condition no. xvi)**.
- vii. Construction activities for the power plant are under progress. However, regular monitoring of the ground water quality of the study area inter-alia including ash pond area is not being carried out and no records are maintained **(Condition no. xvii)**.
- viii. Time bound action plan for the green belt development covering 1/3 of the project area shall be submitted to the Regional Office of the MoEF&CC at Chennai **(Condition no. xviii & xlii)**.
- ix. Noise level monitoring during the construction phase has not been carried out and usage of Personal Protective Equipment (PPE) by the construction workers needs strict implementation **(Condition no. xxi)**.
- x. Ambient Air Quality (AAQ) monitoring during the construction phase has not been carried out. Periodic monitored reports has not been submitted to the Regional Office of the MoEF&CC and AAQ monitored data has not been uploaded on the company's website **(Condition no. xxii)**.
- xi. Copy of the newspaper advertisements given regarding accord of environmental clearance has not been made available during the visit. Hence, the compliance status could not be ascertained **(Condition no. xxiv)**.
- xii. Proof regarding sending of environmental clearance letter to the concerned Panchayat/Zilla Parisad has not been made available during the visit and the same shall be submitted to the Regional Office of the MoEF&CC. Environment clearance letter has not been put up on the company's website **(Condition no. xxv)**.
- xiii. Separate Environment Management Cell with qualified staff has not set up at the site to look after the environment management related activities **(Condition no. xxvi & xlvi)**.
- xiv. Six monthly compliance reports along with the environmental monitored data (hard and soft copy) have not been submitted to the Regional Office of the MoEF&CC/Zonal Office of CPCB/SPCB and also not been uploaded on the

company's website. Further, the ambient air quality monitored data has not been displayed at a convenient location near the main gate of the company and also not put up on the company's website (**Condition no. xxvii, xxviii, xxix & xxxv**).

- xv. A complete set of documents including Environmental Impact Assessment Report and Environment Management Plan has not been submitted to the Regional Office of the MoEF&CC (**Condition no. xxix**).
- xvi. Date of financial closure, date of final approval of the project by the concerned authorities and date of start of land development work has not been informed to the Regional Office of the MoEF&CC (**Condition no. xxxi**).
- xvii. Regular monitoring of the heavy metal contents in the ground water in and around the existing ash pond has not been carried out and no records are made available during the visit. Hence, the compliance status could not be ascertained (**Condition no. xxxiv**).
- xviii. Vision document specifying prospective plan for the site has not been formulated and submitted to the Regional Office of the MoEF&CC (**Condition no. xxxvi**).
- xix. Environmental Statement for each financial year has not been submitted to the TNPCB and also not been uploaded on the company's website (**Condition no. xlvii**).

B. With respect to MoEF&CC letter no.11-100/2008-IA.III dated 23/12/2008 and 31/03/2014

- i. Separate Environment Management Cell with qualified staff has not set up at the site to look after the environment management related activities (**General condition no. i**).
- ii. M/s. TANGEDCO has encroached upon and blocked the back waters of Ennore Creek beneath Ennore High Way bridge by establishing a approach road no.2 of 350 m length and 6 m width for the construction of external coal conveyor system without obtaining the prior approval from MoEF&CC, New Delhi and Tamil Nadu Coastal Zone Management Authority (TNCZMA) [**Specific condition no. ii and General condition no. iii**].
- iii. Proof regarding sending of CRZ clearance letter to the concerned Panchayat/Zilla Parisad has not been made available during the visit and the same shall be submitted to the Regional Office of the MoEF&CC. Environment clearance letter has not been put up on the company's website (**General condition no. vi**).
- iv. Copy of the newspaper advertisements given regarding accord of CRZ clearance has not been made available during the visit. Hence, the compliance status could not be ascertained (**General condition no. viii**).
- v. Date of financial closure, date of final approval of the project by the concerned authorities and date of start of land development work has not been informed to the Regional Office of the MoEF&CC (**General condition no. ix**).
- vi. Ennore Creek wherein the approach road no.2 has been laid by M/s TANGEDCO falls within the Coastal Regulation Zone (CRZ) as per the Coastal Zone Management Plan (CZMP) for the State of Tamil Nadu as informed by the representative of TNPCB during the visit. In view of this, CRZ classification of this area and status of

the land may be sought from the Competent Agencies. If CRZ violation has taken place appropriate action may be taken by the Competent Authority concerned (**para no. 5**).

- vii. Six monthly compliance reports (hard and soft copy) have not been submitted to the Regional Office of the MoEF&CC/Zonal Office of CPCB/SPCB and also not been uploaded on the company's website.

2. **Housekeeping:** Housekeeping in the premises is satisfactory.

3. **With regard to issuance of show cause/closure notices/directions:-** It was informed by the PP that there was no issuance of Show Cause/directions/closure notices in the last two years by the TNPCB.

This is approved by the Addl.PCCF (Central), RO-Chennai accorded vide diary no.1540 dated 1/11/2017.



(Sundar Ramanathan)
Scientist 'D'

To: Chairperson,
Tamil Nadu Coastal Zone Management Authority,
Principal Secretary to Government, Department of Environment and Forests
Secretariat, Fort St.George
Chennai 600009

To: Member Secretary
Tamil Nadu Coastal Zone Management Authority,
Director, Department of Environment and Forests
Ground Floor, Panagal Maaligai
Saidapet
Chennai 600035

To: Chief Secretary
Government of Tamil Nadu
Secretariat, Fort St.George
Chennai 600009

To: Chairperson,
National Coastal Zone Management Authority
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhavan
Jor Bagh Road, Aliganj
New Delhi 110 001

15 June, 2017

Dear Chairperson, Member Secretary and Members:

Subject: Inconsistencies between approved 1996 CZMP and actual documents used by DCZMA/SCZMA for clearing projects in Ennore Creek - lapses in legitimate procedure for according CRZ clearances as per CRZ Notifications 1991 and 2011

We would like to bring to your notice that your practice of evaluating proposals for CRZ clearances based solely on maps submitted by the project proponent is *ultra vires*. CRZ 1991 and subsequently CRZ 2011 (with amendments from time to time) has clearly laid out that projects shall be considered for CRZ clearance on the basis of the approved Coastal Zone Management Plans (CZMP).

Tamil Nadu's CZMP was approved by the Union Ministry of Environment & Forests in September 1996. CRZ Notification, 2011, also required state CZMAs to inventorise/map the violations under CRZ 1991, take action against the same and maintain an updated list of violations and action taken on a public website. The inventorisation/mapping of violations was to have been completed by end of 2011. The TNSCZMA also has directed District Collectors and the CMDA/CoC (in Chennai's case) to complete this task. However, no inventory has been prepared. No action taken, and no list has been published on any website.

We have attempted through RTI Act to get a copy of the CZMP map for the Ennore Creek. During an inspection of TNSCZMA files, we were given to believe that this map does not exist. Others were available.

In response to an RTI request, the District Environmental Engineer, Ambattur, who is also the Convener of the Thiruvallur District Coastal Zone Management Authority, states that his office too does not have a copy of the 1996 approved CZMPs, and that project proposals are considered solely based on the submissions of the project proponents **(attached)**.

The approved CZMP map for the Ennore Creek is contained in Sheet 2 of the plan **(attached)**. According to the approved map, the Ennore Creek in its entirety has been declared a CRZ -1 area and given the highest protection under the Notification. The corresponding plan for the stretch between Sattankuppam and MMDA boundary is contained in Chapter 3, Stretch 1 (Pages 49-51) and reads as follows:

“The entire coastline consists of salt marsh and hence has been classified as CRZ 1.”

When the CZMP was approved in 1996, the Creek was indeed free of encroachments. By law, the Creek was meant to remain free of encroachments in light of its hydrological and ecological value. No projects, except those specifically permitted in the Notification, would have been allowed to come up in the Creek if the approved CZMP had been referred to.

It appears that the Gol-approved CZMP was given a quiet burial to facilitate the encroachment of the Ennore wetlands by Kamarajar Port, TANGEDCO (NCTPS), NTECL (Vallur), HPCL, BPCL, Zuari Cement, L&T Port and TANGEDCO (ETPS). The ecological rationale of the 1996 CZMP is sound. Please refer to the HTL and buffer boundaries of the approved CZMP overlaid on Survey of India topographical sheet for the region **(attached)**. It is clear that the boundaries rightly cover the salt marshes and salt pans – both of which are tidal wetlands, protected under the notification.

With its 8000 acre water-spread, the Ennore Creek used to serve multiple functions – from sustaining the economies of six fishing villages, to flood mitigation, absorbing storm surges and arresting salinity intrusion.

Dangerous Violations

By ignoring the 1996 CZMP, about 1090 acres of wetland have been diverted for industrial purposes in the last 20 years. In addition to this, approximately 300 acres of the wetland has been destroyed by flyash from TANGEDCO's NCTPS plant. The latter has been brought to the notice of all relevant authorities. But nothing has been done to arrest the ongoing pollution from TANGEDCO's leaky pipes.

As you read this, TANGEDCO is dumping earth to block a section of the Creek at the point where the creek turns east near Mugatwarakuppam towards the Bay of Bengal **(attached)**. This activity – for construction of a coal conveyor belt -- too has no legal sanction. No hydrological studies were performed. No studies on the activity's impact on fisheries are in evidence. No studies on how the activity would alter silt deposition, erosion and scouring of other vital structures such as railway bridges in the vicinity were asked for or provided. The CRZ clearance

granted to TANGEDCO clearly says fisherfolk or movement of fisherfolk should not be disturbed, and that the entire structure should be underground.

Kamarajar Port too has erected bunds over 280 acres of the wetland (CRZ 1, as per 1996 CZMP) to construct a coal yard (**attached**) . As this is a prohibited activity under the CRZ Notification, KPL is going ahead with the construction without applying for permission. Currently, the wetland is being filled up with sand from the maintenance dredging of KPL harbour. As per KPL's CRZ clearance, the dredged sand ought to be dumped north of the breakwaters to nourish the eroding beaches on that stretch.

KPL's masterplan document reveals that it has plans to convert 1300 acres of wetland into real estate for its port-related infrastructure. The new coal yard is part of this plan. BPCL is also currently building on 102 acres of CRZ 1 (Creek) by filling up areas within the High Tide Line of the Creek. This activity has been wrongly licensed by referring to maps provided by the proponent without referring to the 1996 CZMP as required under law.

The creek is heavily silted up due to flyash pollution and siltation from the reclamation activities.

The Impacts:

Since this petition is being submitted to a body of technical experts, it would be arrogant of us to go in detail about the importance of a tidal wetland like the Ennore Creek. However, for the sake of the record, we wish to state that:

- a) the Ennore Creek drains 5000 square kilometres (combined catchments of Kosasthalai River and Arani River). That is nearly three times the catchment of Adyar and Cooum combined. Kosasthalai River alone is capable of carrying 125,000 cusecs.
- b) the estuary at Mugatwara Kuppam receives waters from both the northern arm of the Creek (draining Arani River and a part of Pulicat), from the southern arm that receives water from Kosasthalaiyar and the surplus from Redhills/Puzhal tank, the industrial effluents from Manali and the sewage from areas north of Central station.
- c) the creek is an important shock absorber for storm surges. During Cyclone Vardah, the surge was 1 metre above astronomical tide and that inundated low-lying areas with seawater. By absorbing the tidal and storm surges, the Creek prevents seawater from penetrating deep into the hinterland through rivers, streams, canals and channels.
- d) can help in the fight against salinity intrusion into the AK basin, which is an important source of groundwater for Chennai during stressed times such as this. Rather than convert abandoned salt pans into sites for hosting hazardous industries, the feasibility of retaining them as rainwater harvesting structures post-monsoon should be studied.
- e) has lost both surface area and depth, and the remaining waters are heavily contaminated with industrial and domestic effluents, and flyash from the power plants. This has caused a drastic decline in biodiversity, and compromised the ability of the Creek to mitigate flooding or absorb storm shocks.

What Needs to be Done:

It is indeed bad news that 1090 acres of the Creek's waterspread (CRZ 1) and 3160.55 acres of CRZ 1 buffer has been encroached by industrial offenders. But the good news is that 7000 acres of the wetland can be saved if TNSCZMA can step in and fulfill its legal mandate. Protecting the Creek can give us multiple dividends and vastly improve the city's resilience to climate shocks.

We urge you to take this seriously and do the following:

1. Immediately direct TANGEDCO, KPL and BPCL to halt ongoing encroachment of the Creek pending further investigation;
2. Map CRZ violations in the Creek using the 1996 GoI-approved CZMP as the basis for appraisal;
3. Make public the approved CZMP map for the Ennore Creek and alert all Government agencies about the protected nature of the Creek.
4. Work with fisherfolk and other relevant authorities to restore the Creek and its biodiversity.
5. Review all CRZ clearances granted for industries in Thiruvallur with 1996 approved CZMP as baseline for appraisal.

Sincerely,

K. Saravanan
The Coastal Resource Centre
92, 3rd Cross Street,
Thiruvalluvar Nagar,
Besant Nagar,
Chennai 600090

Pooja Kumar

Annexure - 1
Response from District Environmental Engineer, Thiruvallur District

By RPAD



TAMIL NADU POLLUTION CONTROL BOARD

From: Er. S. Rajan, M.E., District Environmental Engineer Tamil Nadu Pollution Control Board 77A, South Avenue Road, Ambattur Industrial Estate, Chennai - 600 058.	To: ✓ Pooja Kumar, No.92, 3 rd Cross, Thiruvalluvar Nagar, Besant Nagar, Chennai-600 090.
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Lr.No. TNPCB/DEE/AMB/RTIA/1372/2014/Dated 07.10.2014

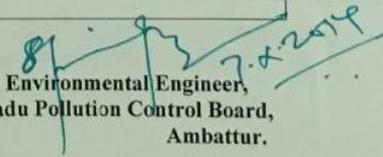
Sir,

Sub: - O/o.DEE ,TNPCB .Ambattur-Copy of up-to-date Coastal Zone Management Plan, Thiruvallur District – Information under RTIA 2005-Furnished– reg.

Ref: - 1. Your letter dated 01.09.2014. (Received by this office dated 04.10.2014)
 2. Lr No:DEE/TNPCB/TLR/F.2889/2014/ Dated 26.09.2014.

With reference to your letter under reference first cited, I am to furnish the following details under RTI Act 2005 as below with respect to the jurisdiction of O/o.DEE, TNPCB, Ambattur.

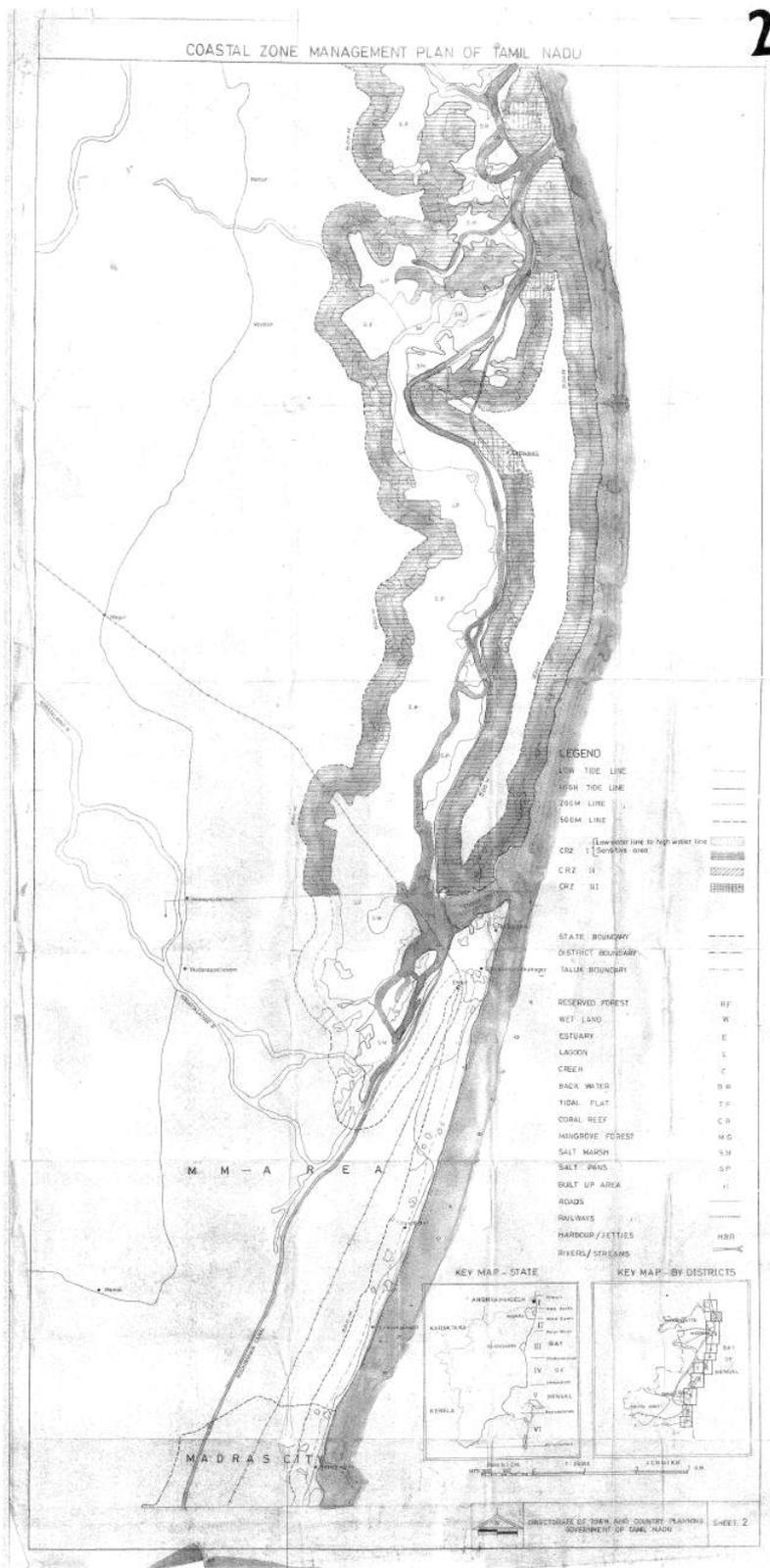
Sl.No	Information sought for	Details
1.	Copy of updated Coastal Zone Management Plan used by Thiruvallur District Coastal Zone Management Authority to evaluate project applications for CRZ clearance.	Copy of updated Coastal Zone Management Plan for Thiruvallur District is not available in this office files (Generally, the subject received for CRZ clearances is being placed before the District Coastal Zone Management Authority Meeting along with CRZ Maps prepared and approved by IRS, Anna University, Chennai-600 025 for the respective subject).
2.	List or maps of existing (as of 1991) and/or approved roads identified in updated CZMP prepared under CRZ Notification, 1991. for Thiruvallur District.	Not available in this office file.


District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Ambattur.

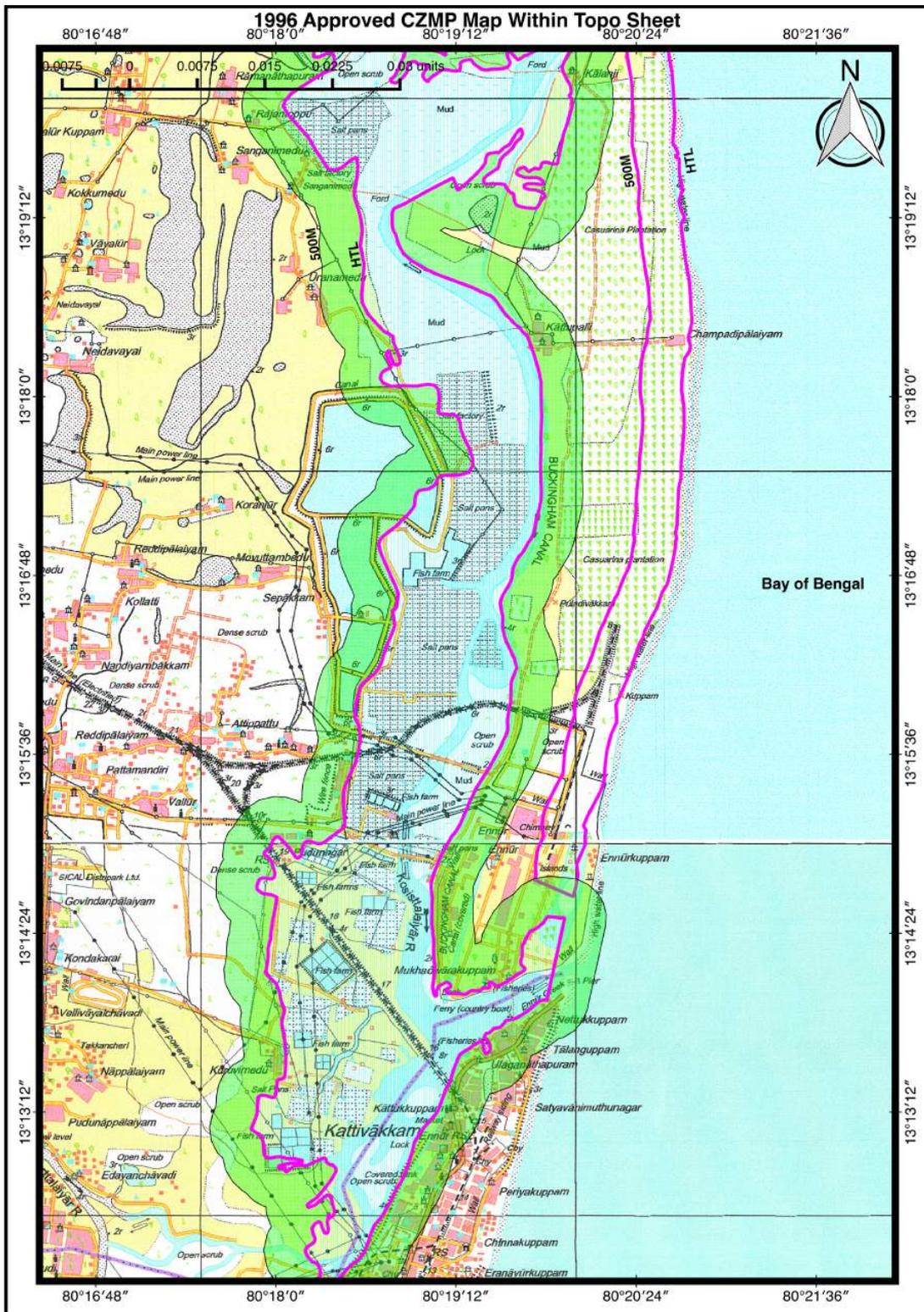
Copy to: Public Information Officer /PA (G) to District Collector, District Collectorate, Thiruvallur-602 001, Thiruvallur District.

File Copy

Annexure - 2
Approved Coastal Zone Management Plan of Tamil Nadu - 1996



Annexure - 3
Approved CZMP on Survey of India Toposheet



Annexure - 4
Photograph of Road Being Laid Across Ennore Creek by TANGEDCO - May 2017



Annexure - 5
Photograph of Bund being formed by Kamarajar Port - May 2017





J-13012/07/2014-IA.I(T)pt.
Government of India
Ministry of Environment, Forests and Climate Change

3rd Floor, Vayu Block,
 Indira Paryavaran Bhawan, Jor Bagh Road,
 Aliganj, New Delhi-110003.

Dated: 22.1.2018.

To

The Member Secretary
 Tamil Nadu Coastal Zone Management Authority &
 Director of Environment
 Department of Environment,
 No.1, Jeenis Road, Panagal Building,
 Ground Floor, Saidapet, Chennai-600 015.

Tel : 044 - 24336421, 24336928; Fax : 044 - 24336594; Email: tndoe@tn.nic.in

Sub : 1x660 MW Imported Coal based Super Critical Ennore Thermal Power Plant, Village Ernavoor, Taluk Ambathur, Thiruvallur District, Tamil Nadu by M/s Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO)- reg. credible action under U/s 15, 16, 17 & 19 of the E(P) Act.

Sir,

The Ministry had issued environmental clearance under the Environment Impact Assessment (EIA) Notification, 2006, to the above mentioned project vide the letters of even number J-13012/62/2008-IA.II(T) dated 3.6.2009, 24.1.20013 & 19.9.2017 and CRZ Clearance under CRZ Notification, 1991 for setting up of coal conveyor (pipe conveyor), intake and outfall waterlines vide the letter of even number 11-100/2008-IA.III dated 23.12.2008 & 31.3.2014 stipulating various conditions.

2. An appeal no. 1 of 2017 (SZ) in the matter of R.L. Srinivasan vs UoI& Ors has been filed against M/s TANGEDCO alleging that illegal construction has been taken place in the CRZ areas.

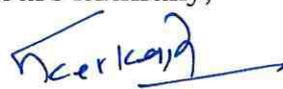
3. Subsequently, Regional Office, Chennai has been requested to make the site visit to submit the factual report against the allegations made in the Court case vide Ministry's letter dated 14.9.2017

4. The Regional Office (South Eastern Zone), Chennai of this Ministry conducted a site visit on 16.10.2017 and recorded the following violations during the site visit vide letter dated 1.11.2017.

- i. TANGEDCO constructed approach road no.1 at North Buckingham canal for construction of coal conveyor system without obtaining the prior approval of MoEF&CC and TNCZMA. However, the said approach road has been reportedly removed during October, 2016 based on the directions of District

- Collector, Thiruvallur Dist. and the same does not exist at the site as observed during the site visit.
- ii. TANGEDCO constructed approach road no.2 and blocked the back waters of Ennore Creek beneath the Ennore bridge by establishing 350 m length x 6 m width for construction of coal conveyor system without obtaining prior approval MoEF&CC and TNCZMA.
 - iii. Approach road no.2 clearly obstructs the natural flow of water within the Ennore Creek which may perhaps cause flood vulnerability in that area. Livelihood of communities in the surrounding Ennore Creek directly depend on fishing activity may also be affected.
 - iv. Ennore creek wherein the approach road no.2 has been laid falls within the CRZ area as per CZMP for the State of Tamil Nadu as informed by the representative of TNPCB during the visit. In view of this CRZ classification of this area and status of the land may be sought from the Competent Agencies. If CRZ violation has taken place appropriate action may be taken by the Competent Authority concerned.
5. Further, Regional Office (South Eastern Zone), Chennai of this Ministry vide site visit report dated 1.11.2017 recorded non-compliances against 8 conditions stipulated in the CRZ clearance.
6. In view of the above, it is requested to initiate the credible action U/s 15, 16, 17 & 19 of the Environment (Protection) Act, 1986 with the intimation to the Ministry.

Yours faithfully,


(Dr. S. Kerketta)
 Director (IA.I)

Copy to:-

1. The Joint Secretary, CRZ Division, MoEF&CC, Indira Paryavaran Bhawan, New Delhi-110003.
2. The Member Secretary, EAC (CRZ Division), MoEF&CC, Indira Paryavaran Bhawan, New Delhi-110003.
3. The Director/Joint Director, Monitoring Cell, MoEF&CC, Indira Paryavaran Bhawan, New Delhi-110003.
4. The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001.
5. The Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
6. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi- 110032.
7. The Additional Principal Chief Conservator of Forests (C), Regional Office (SEZ), 1st and IInd Floor, Handloom Export Promotion Council, 34, Cathedral Garden Road, Nungambakkam, Chennai- 34.

8. The Principal Secretary to Government, Environment and Forests Department, Government of Tamil Nadu, No.1, Jeenis Road, Panagal Building, Ground Floor, Saidapet, Chennai-600 015.
9. The Member Secretary, Tamil Nadu Pollution Control Board, No. 76, Mount Road, Mount Salai, Guindy, Chennai - 600 032.7.
10. The District Collector, Thiruvallur District, Govt. of Tamil Nadu.
11. Guard file/Monitoring file.
12. Website of MoEF&CC.



(Dr. S. Kerketta)
Director (IA.I)



J-13012/07/2014-IA.I(T)pt.
Government of India
Ministry of Environment, Forests and Climate Change

3rd Floor, Vayu Block,
 Indira Paryavaran Bhawan, Jor Bagh Road,
 Aliganj, New Delhi-110003.

Dated: 22.1.2017.

Show-cause Notice

Sub : 1x660 MW Imported Coal based Super Critical Ennore Thermal Power Plant, Village Ernavoor, Taluk Ambathur, Thiruvallur District, Tamil Nadu by M/s Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO)- reg. directions under Section 5 of E(P) Act.

Whereas, the Ministry had issued environmental clearance under the Environment Impact Assessment (EIA) Notification, 2006, which is a Notification under the Environment (Protection) Act, 1986, to the above mentioned project vide the letters of even number J-13012/62/2008-IA.II(T) dated 3.6.2009, 24.1.20013 and 19.9.2017 stipulating various conditions; and

Whereas, the Ministry had issued CRZ Clearance under CRZ Notification, 1991 which was a Notification under the Environment (Protection) Act, 1986, to the above mentioned project for setting up of coal conveyor (pipe conveyor), intake and outfall waterlines vide the letter of even number dated 23.12.2008 stipulating various conditions.

2. Where as an Application no.1 of 2017 (SZ) in NGT, Chennai has been filed by Sh. R.L. Srinivasan against the violation of CRZ notification, 2011 and illegal encroachment and blockage of Buckingham canal and Kosashtaiayiar river by the Project Authorities for the existing 660 MW Power Project and its associate marine facilities.

3. Where as Ministry vide letter dated 14.9.2017 requested Regional Office, Chennai to conduct site visit and submit the factual report against the allegations made in the Court case.

4. Whereas the Regional Office (South Eastern Zone), Chennai of this Ministry conducted a site visit on 16.10.2017 and recorded the following violations during the site visit vide letter dated 1.11.2017.

- i. TANGEDCO constructed approach road no.1 at North Buckingham canal for construction of coal conveyor system without obtaining the prior approval of MoEF&CC and TNCZMA. However, the said approach road has been reportedly removed during October, 2016 based on the directions of District Collector, Thiruvallur Dist. and the same does not exist at the site as observed during the site visit.
- ii. TANGEDCO constructed approach road no.2 and blocked the back waters of Ennore Creek beneath the Ennore bridge by establishing 350 m length x 6

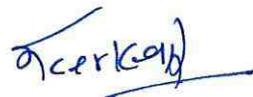
m width for construction of coal conveyor system without obtaining prior approval MoEF&CC and TNCZMA.

- iii. Approach road no.2 clearly obstructs the natural flow of water within the Ennore Creek which may perhaps cause flood vulnerability in that area. Livelihood of communities in the surrounding Ennore Creek directly depend on fishing activity may also be affected.
- iv. Ennore creek wherein the approach road no.2 has been laid falls within the CRZ area as per CZMP for the State of Tamil Nadu as informed by the representative of TNPCB during the visit. In view of this CRZ classification of this area and status of the land may be sought from the Competent Agencies. If CRZ violation has taken place appropriate action may be taken by the Competent Authority concerned.

5. Whereas the Regional Office (South Eastern Zone), Chennai of this Ministry vide site visit report dated 1.11.2017 recorded non-compliances against 20 conditions stipulated in the Environmental Clearance.

6. NOW, THEREFORE, in accordance with the provisions of Section 5 of the Environment (Protection) Act, 1986, you are hereby requested to show cause why the Environmental Clearance issued for the aforesaid power project shall not be revoked for non-compliance of the conditions stipulated therein.

7. You are requested to submit response on the above directions **within fifteen days** of receipt of this notice failing which the Ministry will take appropriate action in accordance to law without any further reference to you.



(Dr. S. Kerketta)
Director (IA.I)

The Chief Engineer (Projects)
TANGEDCO (A subsidiary of TNEB Ltd.)
5th floor, Western Wing, NPKRR Maaligai,
144, Anna Salai, Chennai-600002.

Copy to:-

1. The Joint Secretary, CRZ Division, MoEF&CC, Indira Paryavaran Bhawan, New Delhi-110003.
2. The Member Secretary, EAC (CRZ Division), MoEF&CC, Indira Paryavaran Bhawan, New Delhi-110003.
3. The Director/Joint Director, Monitoring Cell, MoEF&CC, Indira Paryavaran Bhawan, New Delhi-110003.
4. The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001.
5. The Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
6. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi- 110032.
7. The Additional Principal Chief Conservator of Forests (C), Regional Office (SEZ), 1st and IInd Floor, Handloom Export Promotion Council, 34, Cathedral Garden Road, Nungambakkam, Chennai- 34.
8. The Principal Secretary to Government, Environment and Forests Department, Government of Tamil Nadu, No.1, Jeenis Road, Panagal Building, Ground Floor, Saidapet, Chennai-600 015.

9. The Member Secretary, Tamil Nadu Coastal Zone Management Authority & Director of Environment, Department of Environment, No.1, Jeenis Road, Panagal Building, Ground Floor, Saidapet, Chennai-600 015.
10. The Member Secretary, Tamil Nadu Pollution Control Board, No. 76, Mount Road, Mount Salai, Guindy, Chennai - 600 032.7.
11. The District Collector, Thiruvallur District, Govt. of Tamil Nadu.
12. Guard file/Monitoring file.
13. Website of MoEF&CC.



(Dr. S. Kerketta)
Director (IA.I)