

BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH, KOLKATA

Original Application No. 115//2025/EZ

IN THE MATTER OF:

Sri Animesh Dey

----- Applicant

Versus

The Union of India & Ors.

----- Respondents

I N D E X

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FILED BY:

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Filed On : .12.2025

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**Counter-affidavit of the Respondent no. 4, Assam Pollution  
Control Board.**

I, Mukunda Madhab Bora, son of Late Durga Dutta Baghri, aged about 59 years, working as Chief Environmental Engineer in Pollution Control Board, Assam, having its office at Bamunimaidam, Guwahati – 781 021, Assam, do hereby solemnly affirm and state as follows::

1. That I am the Chief Environmental Engineer of the Assam Pollution Control Board (hereinafter referred to as "the Board") and am fully acquainted with the facts and circumstances of the present case. I am duly authorized to swear this affidavit on behalf of the Board.
2. That the present counter-affidavit is being filed in response to the Original Application filed by the Applicant.
3. That with respect to the averments made in Paragraphs 1 to 6 of the application, no specific comments are offered, as they do not pertain to the answering Respondent.



4. That with regard to the averments made in Paragraph 7 of the application, it is stated that the Board has issued **Consent to Operate (CTO)** vide order no. PCBA/RONG/T-1009/24-25/09 dated 10/09/2024.

A copy of the said CTO order is annexed herewith and marked as **Annexure-A**.

5. That with regard to the averments made in Paragraphs 8 and 9 of the application, the Board agrees with the statements made therein, to the extent they relate to the actions taken by the Board in accordance with law.

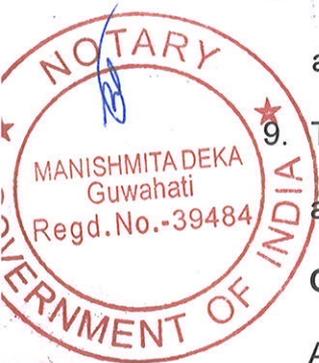
6. That with regard to the averments made in Paragraph 10 of the application, the Board has no comments to offer.

7. That with regard to the averments made in Paragraph nos. 11 and 12 of the application the answering respondent begs to submit that the Board has replied to the RTI application dtd. 12/06/2024 filed by the Applicant vide letter dtd. 25/07/2024. The copy of the letter dtd.25/07/2024 is annexed as **Annexure-P5** to the Original Application.

8. That with regard to the averments made in Paragraph 13 of the application, the Board has no comments to offer.

9. That with reference to the statements made in Paragraph 14 of the application, the deponent respectfully states that the Board had issued a **Closure Notice** to the railway siding at Lanka, as referred to by the Applicant, and had imposed **Environmental Compensation (EC) amounting to Rs. 7,80,000/-** upon the Northeast Frontier Railway in accordance with applicable environmental regulations.

It is further stated that the Board subsequently received a **representation and pledge** from the office of the Additional Divisional Railway Manager,



Guwahati-01, vide letter No. **LD/ADM/DRM/2024** dated **06.05.2024**, submitted on behalf of the General Manager, N.F. Railway, outlining corrective and preventive measures proposed to address the environmental concerns. The commitments made therein included, inter alia:

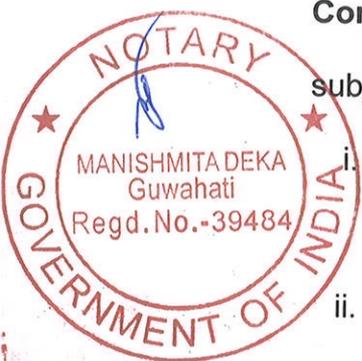
- i. Transportation of fly ash to Lanka Goods Yard in wagons after containing the same in **sealed polypropylene bags (500 kg / 1000 kg capacity)** with mechanized unloading arrangements;
- ii. Adoption of transportation of fly ash in **closed wagons** and unloading of fly ash into bulkers through a **vacuum unloading system** for all future fly ash consignments at Lanka Goods Yard.

A copy of the said letter dated 06.05.2024 is annexed herewith and marked as **Annexure-B**.

Upon consideration of the aforesaid commitments and compliance assurances, the Board decided to **waive the Environmental Compensation**, vide letter no. WB/G-295/21-22/421 dated 27/05/2024 subject to the following conditions to ensure environmental safeguards:

- i. Fly ash shall be transported and delivered at the Lanka Goods Yard through **BCNwagons**.
- ii. **Mist cannons** shall be installed at the Goods Yard and shall be operated during the entire period of fly ash unloading.

A copy of the Board's letter dated 27/05/2024 is annexed herewith and marked as **Annexure-C**.



X

It is submitted that the said decision was taken in exercise of the Board's statutory functions with the objective of ensuring compliance with environmental norms and mitigating pollution at the site.

10. That the answering Respondent craves leave of this Hon'ble Tribunal to file an additional affidavit, if so required.



*Manishmita Madhab Bora*

**DEPONENT**

**VERIFICATION**

I, the deponent above named, do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge and belief, and that nothing material has been concealed therefrom.

Verified at Guwahati on this 17<sup>th</sup> day of December, 2025.

*17/12/25*  
**NOTARY**  
**MANISHMITA DEKA**  
 Govt. of India  
 Guwahati, Regd. No. 39484

*Manishmita Madhab Bora*

**DEPONENT**

**Identified by**

*Siddhartha Baruah*  
**Advocate** *494/99.*

Solemnly affirmed before me this day, I certify that I read over and explained the contents to the declarant and that the declarant seemed perfectly to understand them.



## Pollution Control Board, Assam

(Department of Environment & Forests, Government of Assam)

অসম প্ৰদূষণ নিয়ন্ত্ৰণ পৰিষদ

(অসম চৰকাৰৰ বন আৰু পৰিৱেশ বিভাগ)

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**LIFE**  
Lifestyle for  
Environment

No. PCBA/RONG/T-1009/24-25/09

Dated Guwahati, the 10<sup>th</sup> Sept, 2024

### “CONSENT TO OPERATE”

“CONSENT TO OPERATE” under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974, as amended and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981, as amended to-

- i) Name of Industry : Lanka Goods Shed, Northeast Frontier Railway.
- ii) Name of the Occupier / Applicant and Designation : Mr. Ramesh Kumar Mahato, Senior Divisional Commercial Manager.
- iii) Address of the unit: : Lanka Railway Station, Lanka, Hojai, Assam-782446.
- iv) Cost of the Project: : Rs. 307.00 Lakhs.
- v) Type of the Project: : Railway Goods Shed.
- vii) Details of Project:



Sl No.	Service		
1	Material Handling Yard for loading and unloading of various materials	Inward Goods	Fly Ash, Clinker, Coal, Gypsum, Iron Slag, Wheat, Potato, Betel Nuts
2		Outward Goods	Cement, Sand, Stone Chips, Boulders, Coal, Gravel

#### General Conditions:

- This CTO has been accorded based on the particulars furnished by the applicant vide Application ID 3011126 and subject to addition of further more conditions if so warranted by subsequent developments. The CTO will automatically become invalid if there are any changes, modification, alteration, expansion or deviation is made in actual practice.
- The CTO shall be valid for a period up to 31.03.2025
- The CTO may be modified, suspended in whole or in part or withdrawn by the Board during its term for cause including, but not limited to the following:-
  - Violation of any Terms and Conditions of this Consent;
  - Obtaining the Consent by misrepresentation or failure to disclose fully all relevant facts;
  - If any genuine complaint received;
- The project authority should install a Display Board as per the Boards notification no.PCBA/LGL-95/2021/Notification/01 dtd.11.11.2021 (Appendix-A)
- The unit shall obtain prior “Consent to Establish” from the Board for any further expansion, alteration, modification, modernization of the project.
- Proper housekeeping shall be maintained. Burning of any waste inside the premises is prohibited.

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-2-

7. The project proponent shall develop a green cover with native trees only covering the boundary of the yard.

8. As per the provisions of the Water (Prevention and Control of Pollution) Act, 1974 as amended and Air Prevention and Control of Pollution) Act, 1981, as amended, any Officer, empowered by the Board on its behalf shall have without interruption, the right at any time to enter the unit premises for inspection, collection of sample for analysis and may call for any information as deemed necessary. Denial of this right will cause withdrawal of the CTO.

9. The unit shall apply for renewal of CTO at least ninety (90) days before expiry. The Board renews the CTO for five (5) years subject to payment of fee for the entire period.

#### Specific Conditions:

##### A) Air Aspect:-

1. The industry shall comply to the National Ambient Air Quality Standards, notified by the MoEF & CC, GOI, vide GSR 826(E) dtd.16.11.2009, especially with respect to PM<sub>2.5</sub> and PM<sub>10</sub>, as mentioned herein under-

Sl. No.	Pollutants	Time Weighted average	Concentration in Ambient Air (Industrial, Residential, Rural Areas) µg/m <sup>3</sup>
1.	PM10 (µg/m <sup>3</sup> )	Annual 24 hours	60 100
2.	PM2.5 (µg/m <sup>3</sup> )	Annual 24 hours	40 60

2. All haul roads used for transportation of fly ash inward and outward of the Lanka yard shall be made metallic/paved and water sprinklers shall be installed all along the haul roads.
3. Fly ash shall be transported after containing in sealed bags (50 kg/100 kg volume PP bags).
4. Mist Cannon shall be installed in Goods Yard and it shall be used during the entire period of any kind of material unloading and transportation from the yard.
5. The unit shall comply with the standards and guidelines for control of noise pollution from stationary Diesel Generator (DG) set, notified by the MoEF & CC, Govt. of India vide GSR 7, dated Dec.22, 1998 (Appendix-B)

##### B) Water Aspect:

1. Proper waste water/ drainage system shall be provided.
2. The Project Proponent must obtain NOC from the Central Ground Water Authority within one month from the date of issue of the CTO, unless falling in exempted category as per MoJS Guidelines dtd.24.09.2020 and amendments dtd.29.03.2023 thereto.
3. i) Storm water shall not be allowed to mix with effluent and/or floor washing.  
ii) Storm water within the battery limits shall be channelized through separate drain/pipe passing through an Oil and Grease Trap cum Sedimentation tank.  
iii) For discharge of storm water, the unit shall comply with the general discharge standard notified by the MoEF & CC, Govt. of India vide GSR.422 (E) dated.19.05.1993 (Appendix-C)
4. Rain water harvesting facility shall be installed and maintained.

##### C) Plastic Waste Aspect:

1. Plastic waste generated in the unit shall be disposed off in accordance of the provisions of the Plastic Waste Management Rules, 2016.

13/1/23

-3-

2. The unit shall not use prohibited Single Use Plastic items, as mentioned in the Plastic Waste Management (Amendment) Rules, 2021
3. The unit shall submit a report on generation and disposal of Plastic Waste within 30<sup>th</sup> June every year.

**E) E Waste Aspect:**

1. The unit shall comply with the provisions of the E- Waste Management Rules, 2022

**F) Hazardous Waste Aspect:**

1. **Authorization under the Hazardous & Other Waste (Management and Trans Boundary Movement) Rules, 2016 shall be obtained from the Pollution Control Board, Assam.**
2. The project authorities shall comply with the provisions of the said Rules.
3. Adequate facilities shall be provided for collection and storage of used/spent oil, paint residue, empty containers of chemicals etc. which shall be sent to registered recyclers for recycling.
4. The unit shall dispose off any other Hazardous Waste generated by the unit as per the provisions of the Rules.
5. The unit shall identify and quantify all streams of Hazardous Waste generation as per Schedule-I and maintain proper record in Form-3 of the said Rules.
6. The unit should submit annual return in Form-4 under the said rules on or before 30th June every year.

**The unit shall submit compliance report of the mandated conditions by April, 15, every year to Member Secretary, PCBA as well as to Regional Office, Nagaon, PCBA. The Board will have the liberty to withdraw the CTO if adequate pollution control and safety measures are not taken and the mandated conditions are not complied with.**

(Shantanu Kr. Dutta)  
Member Secretary

Memo No. PCBA/RONG/T-1009/24-25/09-A

Dated Guwahati, the 10<sup>th</sup> Sept, 2024

Copy to: -

Lanka Goods Shed, Northeast Frontier Railway, Lanka Railway Station, Lanka, Hojai, Assam-782446 for information & compliance of conditions.

(Shantanu Kr. Dutta)  
Member Secretary

Appendix-A



pcba

Pollution Control Board, Assam  
Bamunimaidam, Guwahati-21



### NOTIFICATION

No. PCBA/LGL-95/2021/Notification/01

Dated Guwahati, the 11<sup>th</sup> Nov, 2021

In exercise of the powers conferred under Section-5 of the Environment (Protection) Act, 1986 as amended till date and keeping in view the need of public interest towards dissemination of vital information regarding Consent/Authorization of this Board, all industries are hereby directed to install a Display Board of minimum size 5'x4', near the main entrance gate.

The format of the display board is given below:

Name and Address of the Unit : M/s.	
Description of Consent/Authorization	Details
Consent to Establish (CTE)	No.: Date of Issue:
Consent to Operate (CTO)	No.: Date of validity:
Authorization under Hazardous & Other waste (Management & Transboundary Movement) Rules, 2016 (if applicable)	No.: Date of Issue: Date of validity:

**Member Secretary**

Memo No. PCBA/LGL-95/2021/Notification/01-A

Dated Guwahati, the 11<sup>th</sup> Nov, 2021

Copy to:

1. The Commissioner & Secretary to the Govt. of Assam, Department of Environment & Forest, Dispur for kind information.
2. P.A. to the Chairman, PCBA for kind appraisal of the Hon'ble Chairman.
3. The All Regional Heads, PCBA for information & necessary action.
4. M/S APS Advertising Pvt. Ltd, Guwahati-1. They are requested to publish the "NOTICE" in "the Assam Tribune" and "Dainandini Barta" on 12.11.2021.
5. Notice Board, Head Office / Website ([www.pcbassam.org](http://www.pcbassam.org)), PCBA.

*[Signature]*  
**Member Secretary**

(1)



#### 1.66.0 STANDARDS AND GUIDELINES FOR CONTROL OF NOISE POLLUTION FROM STATIONARY DIESEL (DG) SETS.

##### (A) Notes standards for DG sets (15-500KVA)

The total sound power level LW of DG set should less than  $94 + 10 \log 10\text{KVA}$ , dB (A), at the manufacturing stage, whether; KVA is the nominal power rating of a DG set.

This level should fall by 5dB (A) every five years, till 2007, i.e. in 2002 and then in 2007.

##### (B) Mandatory Acoustic enclosure/Acoustic treatment of room for stationary DG sets (5KVA and above):

Noise from the DG set should be controlled by providing an acoustic enclosure on by treating the room acoustically.

The acoustic enclosure/acoustic treatment of the room should be designed for minimum 25 dB (A) insertion Loss or for meeting the ambient noise standards, which ever is on the higher side (if the actual ambient noise is on the higher side, it may not be possible to check the performance of the acoustic enclosure/acoustic treatment. Under circumstances the performance may be checked for noise reduction up to actual ambient noise level, preferably, in the night time). The measurement for insertion Loss may be done at different points at 0.5 from the acoustic enclosure/room, and then averaged. (See the Schematic Diagram).

The DG set should also be provided with proper exhaust muffler with Insertion Loss of minimum 25 dB (A).

##### Guidelines for the manufacturers Users of DG sets 5KVA and above:

- The manufacture should offer to the user a standard acoustic enclosure of 25dB (A). Insertion Loss and also a suitable exhaust muffler with Insertion Loss of 25dB (A).
- The user should make efforts to bring down the noise levels due to the DG set, outside his premises, within the ambient noise requirements by proper siting and control measures.
- The manufacturer should furnish noise power levels of the unsalaried DG sets as per standards prescribed under (A).
- The total sound power level of a DG set, at the user's and, shall be within 2dB(A) of the total sound power level of the DG set, at the manufacturing stage, as prescribed under (A).
- Installation of DG set must be strictly in compliance with the recommendation of the DG set manufacture.
- A proper routines and preventive maintenance procedure for the DG set manufacturer which would help prevent noise levels of the DG set from deteriorating with use.

#### 2.44.0 NOISE (AMBIENT STANDARDS)

Area Code	Category of Area	Limit in dB (A) Leq.	
		Day time	Night time
A.	Industrial area	75	70
B.	Commercial area	65	55
C.	Residential area	55	45
D.	Silence Zone	50	40

Note - 1 : Day time is reckoned in between 6.00 A.M. and 9.00 P.M.

Note - 2 : Night time is reckoned in between 9.00P.M. and 6.00 A.M.

Note - 3 : Silence zone is defined as areas up to 100 meters around such premises as hospitals, educational institutions and courts. The silence zones are to be declared by the competent Authority.

Note - 4 : Mixed categories of areas should be declared as one of the four above mentioned categories by the competent Authority and the corresponding standard shall apply.

Source: EPA, 1986  
[GSR 7, dated Dec.22, 1998]



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Source: EPA, Notification  
[GSR 1063 (E), dated Dec., 26, 1998]

### 3.22.0 DIESEL GENERATOR SETS : STACK HEIGHT

1. The minimum stack height to be provided with each generator set shall be worked out as per the following formula: -  $H = h + 0.2 \sqrt{\text{KVA}}$ , where H = Total height of stack in meter.

h = Height of the building in meters where generator set is installed.

KVA = Total generator capacity.

Adequate fire fighting measures have to be provided by the occupier of the premises. Based on the above formula the minimum stack height to be provided with different range of generator sets may be categories as follows:

Range of Generator sets	Minimum Stack Height
50 KVA	Ht. of the building + 1.5 metre.
50 - 100 KVA	Ht. of the building + 2.0 metre.
100 - 150 KVA	Ht. of the building + 2.5 metre.
150 - 200 KVA	Ht. of the building + 3.0 metre.
200 - 250 KVA	Ht. of the building + 3.5 metre.
250 - 300 KVA	Ht. of the building + 3.5 metre.

Similarly for higher KVA rating a stack height can be worked out using the above formula.

Source : Evolved by CPCB  
[Emission Regulations Part-IV: COINDS/26 1986-87]

#### 4. A .32.0 Part - C

Sl. No. 1 Stack Gas : PM - 150  $\mu\text{g}/\text{Nm}^3$

#### B. Ambient Air Standards:

Residential Area	Industrial Area	Sensitive Area
SO <sub>2</sub> : 80* $\mu\text{g}/\text{m}^3$	120* : $\mu\text{g}/\text{m}^3$	30* : $\mu\text{g}/\text{m}^3$
NO <sub>2</sub> : 80* $\mu\text{g}/\text{m}^3$	120* : $\mu\text{g}/\text{m}^3$	30* : $\mu\text{g}/\text{m}^3$
CO : 2.0** $\mu\text{g}/\text{m}^3$	5.0** : $\mu\text{g}/\text{m}^3$	1.0** : $\mu\text{g}/\text{m}^3$

\*24 hourly; \*\* 8 hourly

#### 5. SCHEMATIC DIAGRAM OF D.G. SET IN AN ACOUSTIC ENCLOSURE No. Process/71/1998-99.

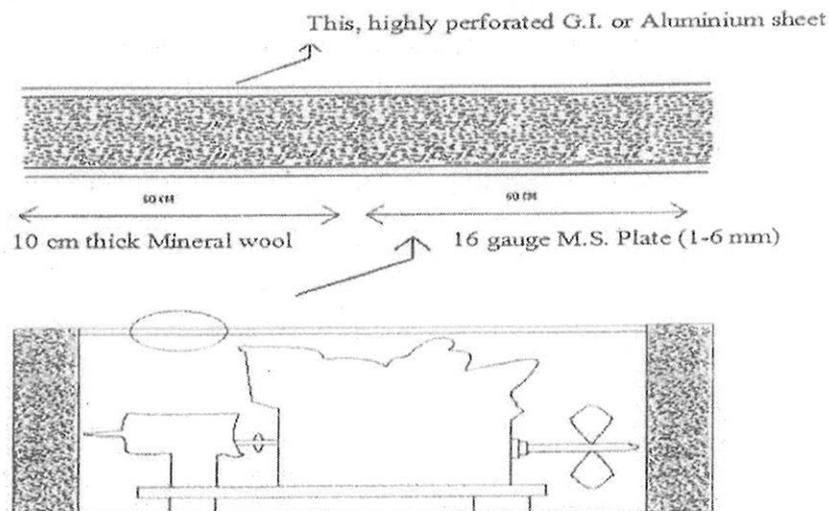


Fig. 4 Schematic Diagram of the DG set in an Acoustic Enclosure

Air required for the ventilation and breathing of the engine will have to be provided by means of intake louvers and exhaust louvers (called parallel baffle mufflers) projecting out of the enclosure.

(Shantanu Kr. Dutta)  
Member Secretary  
Pollution Control Board, Assam


**General Standards for discharge of environment Pollutants Part-A: Effluents**

S. No.	Parameter	Standards			
		Inland surface water	public Sewers	Land irrigation	for Marine coastal areas
1	2	3			4
		(a)	(b)	(c)	(d)
1	Color and Odor	5 to 25 Agreeable	-	5 to 25 Agreeable	5 to 25 Agreeable
2	Suspended Solids mg/l, Max.	100	600	200	(a) For process waste water-100 (b) For Cooling water effluent 10 percent above total suspended matter of influent
3	Particular size of suspended solids	Shall pass 850 micron IS Sieve	-	-	(a) Floatable solids, max. 3 mm (b) Settleable solids, max 850 microns
4*	---	-	-	---	-
5	pH value	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0
6	Temperature	Shall not exceed 5°C above the receiving water temperature	-	-	Shall not exceed 5°C above the receiving water temperature
7	Oil and grease mg/L Max	10	20	10	20
8	Total residual chlorine mg/l, Max	1.0	-	-	1.0
9	Ammonical nitrogen (as N), mg/1 max.	50	50	-	50
1. Schedule VI inserted by Rule 2(d) of the Environment (Protection) Second Ammendment Rules,1993 notified vide G.S.R.422 (E) dated 19.05.1993, published in the Gazettee No.174 dated 19.05.1993.					
10	Total Kjeldhal nitrogen (as NH <sub>3</sub> ) mg/l, Max	100	-	-	100
11	Free Ammonia (as NH <sub>3</sub> ) mg/1, Max	5.0	-	-	5.0
12	Biochemical oxygen demand (5 days at 20°C), mg/1 Max)	30	350	100	100
13	Chemical Oxygen demand, mg/1 Max	250	-	-	250
14	Arsenic (as As) mg/1 Max	0.2	0.2	0.2	0.2
15	Mercury (As Hg), mg/1 max)	0.01	0.01	-	0.01
16	Lead (as Pb) mg/L, Max	0.1	1.0	-	2.0
17	Cadmium (as Cd) mg/1, Max	2.0	1.0	-	2.0

Contd...P/2



-2-

18	Hexavalent chromium, (as Cr) mg/l, Max	0.1	2.0	-	1.0
19	Total chromium (as Cr) mg/l, Max	2.0	2.0	-	2.0
20	Copper (as Cu)g/l, Max	3.0	3.0	-	3.0
21	Zinc (as Zn) mg/l,Max	5.0	15	-	15
22	Selenium (as Se) mg/l, Max	0.05	0.05	-	0.05
23	Nickel (as Ni) mg/l,Max	3.0	3.0	-	5.0
24*	-	-	-	-	-
25*	-	-	-	-	-
26	-	-	-	-	-
27	Cyanide (as CN), mg/l Max	0.2	2.0	0.2	0.2
28*	-	-	-	-	-
29	Fluoride (as F) mg/l Max	2.0	15	-	15
30	Dissolved Phosphates (as p), mg/l Max	5.0	-	-	-
31*	-	-	-	-	-
32	Sulphide (as S) mg/l Max	2.0	-	-	5.0
33	Phenolic Compounds (as C <sub>6</sub> H <sub>5</sub> OH) mg/l Max	1.0	5.0	-	5.0
34	Radioactive materials:				
	(a)Alpha emitter micro curie/ml	10 <sup>-7</sup>	10 <sup>-7</sup>	10 <sup>-8</sup>	10 <sup>-7</sup>
	(b) Beta emitter micro curie/ml)	10 <sup>-6</sup>	10 <sup>-6</sup>	10 <sup>-7</sup>	10 <sup>-6</sup>
35	Bio-assay test	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent
36	Manganese (as Mn)	2 mg/l	2 mg/l	-	2 mg/l
37	Iron (as Fe)	3 mg/l	3 mg/l	-	3 mg/l
38	Vanadium (asV)	0.2 mg/l	0.2 mg/l	-	0.2 mg/l
39	Nitrate Nitrogen	10 mg/l	-	-	20 mg/l
40	-	-	-	-	-

\* Omitted by Rule 2 (d) (i) of the Environment (Protection) Third Amendment Rules, 1993 vide Notification No. G.S.R 801 (E) dated 31.12.1993

mg/l 43  
9


**General Standards for discharge of environment Pollutants Part-A: Effluents**

S. No.	Parameter	Standards			
		Inland surface water	public Sewers	Land irrigation	for Marine coastal areas
1	2	3			
		(a)	(b)	(c)	(d)
1	Color and Odor	5 to 25 Agreeable	-	5 to 25 Agreeable	5 to 25 Agreeable
2	Suspended Solids mg/l, Max.	100	600	200	(a) For process waste water-100 (b) For Cooling water effluent 10 percent above total suspended matter of influent
3	Particular size of suspended solids	Shall pass 850 micron IS Sieve	-	-	(a) Floatable solids, max. 3 mm (b) Settleable solids, max 850 microns
4*	---	-	-	---	-
5	pH value	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0
6	Temperature	Shall not exceed 5°C above the receiving water temperature	-	-	Shall not exceed 5°C above the receiving water temperature
7	Oil and grease mg/L Max	10	20	10	20
8	Total residual chlorine mg/1, Max	1.0	-	-	1.0
9	Ammonical nitrogen (as N), mg/1 max.	50	50	-	50
1. Schedule VI inserted by Rule 2(d) of the Environment (Protection) Second Ammendment Rules,1993 notified vide G.S.R.422 (E) dated 19.05.1993, published in the Gazettee No.174 dated 19.05.1993.					
10	Total Kjeldhal nitrogen (as NH <sub>3</sub> ) mg/l, Max	100	-	-	100
11	Free Ammonia (as NH <sub>3</sub> ) mg/1, Max	5.0	-	-	5.0
12	Biochemical oxygen demand (5 days at 20°C), mg/1 Max)	30	350	100	100
13	Chemical Oxygen demand, mg/1 Max	250	-	-	250
14	Arsenic (as As) mg/1 Max	0.2	0.2	0.2	0.2
15	Mercury (As Hg), mg/1 max)	0.01	0.01	-	0.01
16	Lead (as Pb) mg/L, Max	0.1	1.0	-	2.0
17	Cadmium (as Cd) mg/1, Max	2.0	1.0	-	2.0

Contd...P/2



-2-

18	Hexavalent chromium, (as Cr) mg/l, Max	0.1	2.0	-	1.0
19	Total chromium (as Cr) mg/l, Max	2.0	2.0	-	2.0
20	Copper (as Cu)g/l, Max	3.0	3.0	-	3.0
21	Zinc (as Zn) mg/l,Max	5.0	15	-	15
22	Selenium (as Se) mg/l, Max	0.05	0.05	-	0.05
23	Nickel (as Ni) mg/l,Max	3.0	3.0	-	5.0
24*	-	-	-	-	-
25*	-	-	-	-	-
26	-	-	-	-	-
27	Cyanide (as CN), mg/l Max	0.2	2.0	0.2	0.2
28*	-	-	-	-	-
29	Fluoride (as F) mg/l Max	2.0	15	-	15
30	Dissoived Phosphates (as p), mg/l Max	5.0	-	-	-
31*	-	-	-	-	-
32	Sulphide (as S) mg/l Max	2.0	-	-	5.0
33	Phenolic Compounds (as C <sub>6</sub> H <sub>5</sub> OH) mg/l Max	1.0	5.0	-	5.0
34	Radioactive materials:				
	(a)Alpha emitter micro curie/ml	10 <sup>-7</sup>	10 <sup>-7</sup>	10 <sup>-8</sup>	10 <sup>-7</sup>
	(b) Beta emitter micro curie/ml)	10 <sup>-6</sup>	10 <sup>-6</sup>	10 <sup>-7</sup>	10 <sup>-6</sup>
35	Bio-assay test	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent
36	Manganese (as Mn)	2 mg/l	2 mg/l	-	2 mg/l
37	Iron (as Fe)	3 mg/l	3 mg/l	-	3 mg/l
38	Vanadium (asV)	0.2 mg/l	0.2 mg/l	-	0.2 mg/l
39	Nitrate Nitrogen	10 mg/l	-	-	20 mg/l
40	-	-	-	-	-

\* Omitted by Rule 2 (d) (i) of the Environment (Protection) Third Amendment Rules, 1993 vide Notification No. G.S.R 801 (E) dated 31.12.1993

mg/l 43  
9

Northeast Frontier Railway

Office of the  
Additional Divisional Railway Manager  
Guwahati-781001, Dated: 06.05.2024

No. LD/ADM/DRM/2024

The Chairman  
Pollution Control Board, Assam,  
Department of Environment & Forests, Govt. of Assam.

Pollution Control Board, Assam  
Receipt No. 141  
Date 09.05.2024  
Signature A

Sub: CLOSURE NOTICE

Ref: (1) Your L/No.WB/G-295/21-22/407 Dated:03.05.2024.  
(2) DRM/LMG's L/No.LD/ADM/DRM/24 Dated:28.04.2024  
(3) L/No. APCB/ROG-I/T/313/2021-22/13 Dated: 15.06.2021

In response to your recent "Closure Notice," we wish to inform you of the steps taken by the Railway, in alignment with the directives laid out in the Hon'ble NGT's order dated 16.03.2021 in OA No.989/2018 (Shivansh Pandey Vs Uttar Pradesh), as communicated by your esteemed office in the letter referenced under number 3.

The Railway has proactively implemented various protective measures at the Lanka Goods yard, including but not limited to:

- Installation of a proper drainage system.
- Establishment of a Green Belt Cover to mitigate pollution.
- Construction of dust screen walls along the periphery of the premises with sufficient height.
- Installation of concrete released slippers in the Lanka Goods Yard.

It is imperative to highlight the unwavering commitment of Indian Railways to combat Air and Water pollution. As part of this commitment, we have temporarily suspended the delivery of Fly Ash at Lanka Goods Yard. Furthermore, in adherence to the corrective measures outlined in your letter referenced under number 1, we pledge to: 1. Transport Fly Ash to Lanka Goods yard in wagons after containing it in sealed bags (500Kg/100Kg volume PP bags), with mechanized unloading arrangements. 2. Adopt transportation of fly ash in closed wagons and unloading of fly ash into bulkers through a vacuum unloading system for all future Fly Ash consignments at Lanka Goods Yard.

Additionally, Indian Railways will take immediate steps to obtain Consent to Establish/Consent to Operate under the Water Act and the Air Act within three months from your esteemed office. In light of the proactive measures undertaken and the commitment to environmental compliance, we respectfully request the exemption of the "Environmental Compensation (EC) Fine" amounting to Rs.7,80,000 and Rs. 30,000 per day, effective from 03.05.2024, considering the status of Railways as a Government of India organization.

We remain dedicated to our environmental responsibilities and look forward to your understanding and cooperation in this matter.

Warm regards,

M.S.  
for n/a and  
discussion pl.  
skind  
09.05.2024

Jitendra Kumar  
6/5/24

Additional Divisional Railway Manager, Guwahati  
For General Manager, N F Railway

Copy to:

1. Secy. to GM/NFR-for kind Information of GM.
2. PCCM/NFR-For kind information.
3. DRM/LMG-For kind information.

अपर मंडल रेल प्रबंधक  
Additional Divisional Railway Manager  
पू. सी. रेल, गुवाहाटी  
N. F. Railway, Guwahati



# Pollution Control Board, Assam

(Department of Environment & Forests, Government of Assam)

অসম প্ৰদূষণ নিয়ন্ত্ৰণ পৰিষদ

(অসম চৰকাৰৰ বন আৰু পৰিৱেশ বিভাগ)

NABL Accredited Testing Laboratory : Certificate No. TC-11384



**LIFE**  
Lifestyle for  
Environment

No. WB/G-295/21-22/421

To

Dated Guwahati, the 27<sup>th</sup> May, 2024

The General Manager  
North East Frontier Railway  
Maligaon, Guwahati  
Email id: gm@nfr.railnet.gov.in



**CLOSURE NOTICE UNDER SECTION 33(A) OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974, SECTION 31(A) OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981 AND SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986.**

**WHEREAS**, under Section 17 of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the State Pollution Control Board (SPCB) is to plan a comprehensive programme for prevention, control or abatement of air pollution and to secure the execution thereof and under Section 17 of the Water (Prevention & Control of Pollution) Act 1974, one of the functions of the State Pollution Control Board (SPCB) is to plan a comprehensive programme for prevention, control or abatement of pollution of streams and wells in the state and to secure the execution thereof;

**WHEREAS**, you are operating a railway station and a material handling yard in the name and style of Lanka Railway Station (LKA) located at Lanka, Hojai;

**WHEREAS**, the Lanka Railway Station and the Yard was monitored by Pollution Control Board, Assam on 07.04.2024;

**WHEREAS**, it was observed that unloading, storage, dumping and transportation activities of fly ash were causing severe environmental pollution in the railway station and the surrounding areas. These activities are creating serious environmental damage by causing Air and Water pollution (photographs of the site, as observed, are enclosed);

**WHEREAS**, as per the order of the Hon'ble NGT in OA No. 141 of 2014, a railway station and material handling yard is covered under the purview of Consent management. The railway authority has failed to obtain mandated CTE/CTO from the Board;

**WHEREAS**, vide letter No. WB/G-295/21-22/347 dtd. 25.01.2024 (copy enclosed for your ready reference), you were requested to arrange for transportation of fly ash in packed conditions only to avoid air pollution. Whereas, the Board has noted inaction from your end on the suggestions of PCBA;

**WHEREAS**, the observations of the Hon'ble Tribunal in the matter of OA No. 141 of 2014 order dated 12.12.2019 as stated below: -

"19. It is, thus, clear that wherever there is significant generation of solid and liquid waste and gaseous emissions, the Water Act and the Air Act are attracted so that regulatory functions can be exercised. There is every reason to presume that major railway stations (classified as such by the Railway Administration itself) are generating solid waste and discharging liquid waste water as well as releasing gaseous emissions unless shown to the contrary. Applying such test, it must be held that such stations are governed by the regulatory regime of the Water Act and the Air Act, unless shown to the contrary. There cannot be any blanket exclusion of or exemption from the regulatory regime for such major railway stations. Thus, all major railway stations must secure Consent to Establish/Expansion and Consent to Operate under the Water Act and the Air Act within three months failing which the State Board will take necessary action under the provisions of Water and Air Act in accordance with law";

Contd...p/2

Head Office : Bamunimaidam, Guwahati-781021, Assam : India

Phone : 2652774 & 2550258 : E-mail: membersecretary@pcbassam.org : Website: www.pcbassam.org

Regional Offices at : Bongaigaon, South Bank-Bamunigaon, Kamrup, Guwahati, Nagaon,

Tezpur, Golaghat, Sivasagar, Dibrugarh, Tinsukia, Silchar

-2-

**WHEREAS**, PCBA, in exercising of powers conferred upon it under Section 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 and Section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974, issued Show Cause Notice vide No. WB/G-295/21-22/390 dtd. 12.04.2024 to the General Manager, North East Frontier Railway asking for justification to be submitted within fifteen (15) days, if any, for not issuing "CLOSURE NOTICE" to stop material (Fly Ash) handling operation in the Lanka Railway Station Yard. Whereas, PCBA intended to levy **Environmental Compensation Fine against the Railways as per the formula specified by the Hon'ble NGT for levying Environmental Compensation Fine to the defaulting units;**

**WHEREAS**, in reply to the Show Cause Notice of PCBA vide No. WB/G-295/21-22/390 dtd. 12.04.2024, a reply has been received from the Divisional Railway Manager, Lumding vide letter No LD/ADM/DRM/24 dtd 28.04.2024. The reply, though mentioned about the reason behind the lapses for not having CTE/CTO by Railway from the Board, is unsatisfactory as major issues of air pollution caused by mishandling of fly ash in the Railway Yard remain unattended. Installation of proper drainage system, as mentioned in the reply, is not helping to minimize the air pollution in the area. Though dust screens have been installed at one side of the yard at the boundary towards the nearby residences, such a screen is unable to stop the air pollution from fly ash dusts being generated during unloading of fly ash in the yard and subsequent transportation in open dumpers/trucks to the consumers;

**WHEREAS**, it is observed that severe air pollution is occurring due to open unloading of fly ash from the railway wagons and subsequent storage and transfer into dumpers/trucks besides spillage of fly ash in the yard and the haul roads. High wind is taking the fly ash away thereby causing severe air pollution and health hazard in the surrounding areas;

**WHEREAS**, PCBA, in an earlier occasion, monitored the Ambient Air Quality at Lanka Railway Yard and its surrounding areas during March 16-17, 2024 and observed PM<sub>10</sub> concentration at midpoint of railway yard (**326 µg/m<sup>3</sup>**), end of railway yard (**270 µg/m<sup>3</sup>**) and platform No. 1 (**212 µg/m<sup>3</sup>**), which were found very very high as compared to the National Standard of Daily Average Concentration (100 µg/m<sup>3</sup>) and Yearly Average Concentration (60 µg/m<sup>3</sup>);

**WHEREAS**, vide letter No. WB/G-295/21-22/347 dtd. 25.01.2024, Indian Railway was asked for taking action to transport fly ash in sealed bags only (contained condition). Whereas, no action has been taken by Railways in that regard, thus ignoring the earlier direction of this Board. Further, you have not also taken any other significant measures to curb the air pollution generated by you during unloading of Fly Ash;

**WHEREAS**, there are ways to be practiced by the Board to transport fly ash, packed in large woven PP bags (500 Kg / 1000 Kg bags). Otherwise, fly ash should be transported in closed wagons and to be evacuated by vacuum loading into bulkers, thereby avoiding spillage of fly ash over the railway yards;

**WHEREAS**, high level of air pollution has been caused by the activities of railways are of major concern than not having CTE/CTO from the Board;

**WHEREAS**, Hon'ble NGT vide its order dtd. 19.02.2019 in O.A. No. 593/2017 (Paryavaran Suraksha Samiti & Anr. Vs Union of India & Ors.) directs and empowers SPCBs to collect Environmental Compensation Fine (ECF) from the defaulting units as per the formula mentioned herein under:

Contd....p/3

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**Environmental Compensation (EC) Fine:**

$$EC = PI \times N \times R \times S \times LF$$

PI = Pollution Index of industrial sector (80 for Red category)

N = Number of days of violation took place from **07.04.2024 (date of inspection) to 02.05.2024 (26 days).**

R = A factor in Rupees (₹) for EC (250)

S = Factor of scale of operation (1.5 for large units)

LF = Location factor (1.00)

Accordingly, EC to be paid by North East Frontier Railways is assessed as –

$$EC = 80 \times 26 \times 250 \times 1.5 \times 1.00 = \text{Rs. } 7,80,000/-$$

**WHEREAS**, vide letter of even no. dtd. 03.05.2024, under Section 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 as amended till date, the General Manager, NFR was directed to **Suspend the Transport and Unloading of Fly Ash at Lanka Railway Yard** with immediate effect and to comply with the following corrective measures and payment of Environmental Compensation Fine:

- i) Fly ash shall be transported to Lanka Siding Yard in wagons after containing fly ash in sealed bags (500 Kg/1000 Kg volume PP bags) and mechanized unloading arrangements shall be arranged.
- ii) Transportation of fly ash in closed wagons and unloading of fly ash into bulkers through vacuum unloading system should be adopted.
- iii) An environmental compensation fine for the violation period from 07.04.2024 to 02.05.2024 amounting to Rs. 7,80,000/- (Rupees seven lakhs eighty thousand) only shall be paid to PCBA. In addition to the above, environmental compensation fine of Rs. 30,000/- per day shall be payable with effect from 03.05.2024 until compliance is made to the above directions. The amount shall be transferred to PCBA account (Account Name- Pollution Control Board, Assam, A/c No. 50100159537391; IFSC Code – HDFC0004678).

**WHEREAS**, vide letter No. LD/ADM/DRM/2024 dtd. 06.05.2024 signed by the Addl. Divisional Railway Manager, Guwahati, NF Railway, it is confirmed that the delivery of the Fly Ash at Lanka Goods Yard had been suspended temporarily. It is also agreed by NFR to transport fly ash to Lanka Goods Yard either in wagons after containing in sealed bags or in closed wagons and to adopt mechanized unloading arrangements, as directed by the Board.

**WHEREAS**, NFR, Lumding Division, vide letter dtd. 06.05.2024, pledged 'in adherence to the corrective measures outlined in your letter referenced under number 1, we pledge to: 1. Transport Fly Ash to Lanka Goods Yard in wagons after containing it in sealed bags (500Kg/100Kg volume PP bags), with mechanized unloading arrangements. 2. Adopt transportation of fly ash in closed wagons and unloading of fly ash into bulkers through a vacuum unloading system for all future Fly Ash consignments at Lanka Goods Yard'.

**WHEREAS**, the Board studied the issue further and observed that fly ash may also be transported through BCN wagons after containing the fly ash in HDPE/PP bags of various sizes.

**WHEREAS**, NFR, vide above mentioned letter dtd. 06.05.2024, requested the Board to exempt the Environmental Compensation Fine of amounting to Rs. 7,80,000/- (Rupees seven lakhs eighty thousand) only and Rs. 30,000/- per day, effective from 03.05.2024 till compliance of the directions. Based on the commitment of NFR to adopt to comply with all the directions of the Board vide letter dtd. 03.05.2024, the Board has considered the request and decided to waive off the EC Fine levied against the NFR.

Contd....p/4

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Thus, in modification of the directions issued to NFR vide letter No. dtd. 03.05.2024, by waiving off the Environmental Compensation Fine, following additional directions are issued to NFR, Lumding Division for delivery of fly ash at Lanka Goods Yard.

1. Fly Ash shall be transported and delivered at the Lanka Goods Yard through BCN Wagons.
2. Mist Cannon shall be installed at the Goods Yard and to be used during entire period of fly ash unloading.

  
(Arup Kr. Misra)  
Chairman

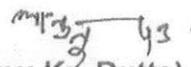
Memo No. WB/G-295/21-22/421-A, /489

Dated Guwahati, the 27<sup>th</sup> May, 2024

Copy to:

1. The District Commissioner, Hojai district for kind information.
2. The Divisional Railway Manager (DRM), North East Frontier Railway, Lumding Division, Assam, Email: [drm@img.railnet.gov.in](mailto:drm@img.railnet.gov.in) for kind information.

o/c

  
(Shantanu Kr. Dutta)  
Member Secretary