

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI**

ORIGINAL APPLICATION NO. 105 OF 2021

**IN THE MATTER OF:
YANATI SRINIVASULU
REDDY & ANOTHER**

...APPLICANTS

vs

**THE CHIEF SECRETARY,
GOVT. OF ANDHRA PRADESH
& OTHERS**

...RESPONDENTS

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Dated:
Place:

Filed by:

Counsel for Ministry of MoEF & CC
(Respondent No. 2)

Tel:
Enr. No.
Email:

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
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VS

**THE CHIEF SECRETARY,
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& OTHERS**

...RESPONDENTS

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2, UNION OF
INDIA [MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE
CHANGE]**

I, Dr. Suresh Babu Pasupuleti, aged about 36 years, S/o Bhaskara Rao Pasupuleti currently working as Scientist 'D' in the Ministry of Environment, Forest & Climate Change, Integrated Regional Office, Vijayawada - 520010 do hereby solemnly affirm and state on oath as follows:

MOST RESPECTFULLY SHOWETH:

1. That, I am Dr. Suresh Babu Pasupuleti working as Scientist 'D' in the Ministry of Environment, Forest & Climate Change, Government of India (hereinafter referred to as 'MoEF&CC') and as such I am conversant with the facts and circumstances of the case and I have been authorized to file the affidavit on behalf of Union of India Respondent No. 2 herein.
2. That I have read and understood the content of Application under reply and I deny each and every averment made therein except those which are admitted expressly by the deponent. The averments which are not denied may be deemed to have been denied by the deponent.
3. It is submitted that the present Application has been filed on account of pollution related environmental concerns arising from the M/s Sri Damodaram Sanjeevaiah Thermal Power Plant of 2400 MW and M/s Sembcorp Energy India Limited (Project-1) of 660 MW located in Nellatur village in Nellore district of Andhra Pradesh. The applicant has alleged that discharge of toxic effluents, chemicals, dumping of tonnes of fly ash and



dumping of waste into Chinna Cheruvu & Pedda Cheruvu agricultural lands has caused water contamination and air pollution in the residential localities. It has also been alleged that environmental impact assessment study, in order to assess the present environmental conditions and likely impact of the thermal power plants on air, land, water, was not conducted properly. Further, the applicant has raised environmental concerns with regard to loss of marine ecology, lack of definite plan to dispose of the utilized ash in the ash pond and non-implementation of environment management plan to mitigate the impacts due to establishment of power plant. The applicant has further alleged that neither any rehabilitation measures & community developmental activities were initiated nor any steps were taken for green belt development in order to control dust and noise pollution.

Another grievance that has been mentioned in this application is regarding large scale damage caused to the agricultural lands, thereby causing loss of income, and polluted water wells due to spread of fly ash released from the thermal power plants in question, thereby causing health hazards to the inhabitants and cattle.

4. It is submitted that in light of above, the applicant had sought relief as mentioned below:

- a. *To direct the respondents to pay compensation of Rs. 2, 84, 56,000 – 00/- to the 1st applicant and Rs. 3,30,10,000 – 00 to the 2nd applicant for the loss sustained by them due to the power project of 8th respondent working under control of other respondents;*
- b. *To pass orders for costs of application*

5. That the matter came up for hearing on 16.09.2021 wherein the Hon'ble NGT, in order to ascertain the genuineness of the allegations made, appointed a Joint Committee that consisted of 'Senior Officer from MoEF&CC, Integrated Regional Office, Chennai' amongst other member organizations. The relevant extract of the order dated 16.09.2021 is reproduced below:

"12. In order to ascertain the genuineness of the allegations made in the application and also alleged violations and pollutions if any caused, which said to have been resulted in the alleged economic loss for the applicants, we feel it appropriate to appoint a joint Committee consisting of (1) The

District Collector, Nellore District (2) a Senior Officer from the Ministry of Environment, Forests and Climate Change (MoEF& CC), Integrated Regional Office, Vijayawada, (3) a Senior officer from the Central Pollution Control Board (CPCB), Regional Office, Chennai (4) a Senior officer/Scientist from Acharya N.G. Ranga Agricultural University (ANGRAU), Andhra Pradesh, (4) a Senior Officer from Andhra Pradesh Pollution Control Board (APPCB) as deputed by its Chairman to inspect the units in question and submit a factual as well as action taken report if there is any violation found.

13. The committee is directed to ascertain:-

- i). Whether the respondents 8 and 9 are having requisites permissions/clearance for running their units,*
- ii). Whether any violations were committed by the respondents 8 and 9 against the conditions imposed in the consent/clearance granted,*
- iii). Whether there was any pollution caused on account of the operation of the respondents 8 and 9 units.*
- iv). Whether any environmental damage including soil as well as the water has been caused on account of the operation of the respondents 8 and 9 units, if so what is the nature of damage caused to the environment,*
- v). Whether any loss of soil fertility resulting in reduction of the agricultural income has been caused to the applicants on account of any alleged pollution said to have been caused by the respondents 8 and 9 units and if so, what is the quantum of compensation to which they are entitled for,*
- vi). Suggest the ways and means if there is any pollution found, to avoid the same in future to be carried out by the respondents 8 and 9,*
- vii). Whether there is any deficiency in the pollution control mechanism provided by the respondents 8 and 9 and if so, what is the nature of modification or up gradation required for mitigating the alleged pollution if any caused, on account of their operation.”*

6. That the MoEF&CC grants Environmental Clearance (hereinafter referred as 'EC') to Thermal Power projects in accordance with the provisions laid down in Environment Impact Assessment Notification, 2006 and its amendments thereof. The EIA Notification, 2006 clearly specifies the

purpose of such grant of EC before start of any construction work in case of new projects or expansion and modernization of existing projects or activities. The proposed project falls under project activity 1(d) Coal Based Thermal Power Plant of Category A. The process involved for grant of EC is as following:

Stage (1) – Screening

Stage (2) - Scoping – i.e. prescribing Terms of Reference (TOR) or undertaking detailed Environment Impact Assessment Studies.

Stage (3) - Public Consultation – to be conducted by the respective State Pollution Control Board/UT Pollution Control Committee.

Stage (4) - Appraisal – by Expert Appraisal Committee (EAC).

7. The process involving grant of EC is transparent & is placed in public domain including the application for grant of EC, submissions and supporting documents filed by the project proponent, the minutes of meeting of the EAC/SEAC and the EC issued in the case.
8. That with respect to Environmental Clearance granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station following is submitted:
 - a. The Ministry vide EC dated 17.07.2007, after the proposal was considered by the EAC, granted Environmental Clearance for establishment of 2x800 MW M/s. Sri Damodaram Sanjeevaiah Thermal Power Project located at Krishnapatnam, Nellore, Andhra Pradesh in an total area of 1250 acres. Thereafter, the Project authorities requested for extension of environmental clearance issued vide this Ministry's letter dated 17.07.2007. The proposal was recommended by the Expert Appraisal Committee (Thermal Power) in its 64th Meeting held during January 7-8, 2013. In acceptance of the recommendation of the Committee, the validity period of the environmental clearance letter issued by this Ministry's letter dated 17.07.2007 was extended for a further period till 16.07.2017 vide Ministry's letter dated 10.06.2013.
 - b. It pertinent to mention that the project authorities vide online application dated 25.09.2014 requested for the expansion of the thermal power plant in question by addition of 800MW (Stage II) capacity. Based on the recommendation by the EAC (Thermal Power)

in its 34th minutes of meeting held during 29th-30th April, 2015, the Ministry granted EC for establishment of 800MW (Stage-II) Supercritical Thermal Power Plant within the premises of Stage-I Power Project vide EC Letter no. J-13012/25/2012-IA.II (T) dated 02.07.2015.

- c. Thereafter, the project authorities requested for grant of permission to raise the ash dyke height by 5m. During the deliberations held by the 24th EAC meeting on 23.01.2019, it was noted that as per site visit conducted by RO, MoEF&CC the PP has started construction of ash pond in an area of 149 acres in place of 'area to be developed under green belt' without prior permission from the Ministry.
- d. Taking cognizance of this fact, the Ministry issued a show cause notice to the Project Proponent vide letter dated 24.04.2019 for providing explanation behind the reported fact of violation. Based on the reply submitted by the Project Proponent vide their letter dated 13.5.2019, a personal hearing was conducted in the Ministry on 25.06.2019.
- e. In acceptance of recommendations of EAC in its meeting held on 23.01.2019, in view of the justifications submitted by the PP in the personal hearing held on 25.06.2019, the Ministry vide letter dated 03.09.2019 granted permission for carving out 30 acres of ash pond by creating a diversion bund in 149 acres area as an exigency and may use for dumping of fly ash till the height of existing ash pond is increased from 5 m to 10 m, after obtaining NOC Andhra Pradesh Pollution Control Board subject to following additional conditions:
- i. The greenbelt to be developed in 420 acres as per the commitment made in the Environment Management Plan in the Phase-II EIA shall be clearly demarcated and developed within a period of two years. The action plan shall clearly demarcate the area & land survey numbers, number of saplings to be planted, budget earmarked, number of persons engaged, maintenance work such as providing water and manure and time bound action plan, which is to be submitted to the Ministry, its regional office and APPCB within 3 months.*

- ii. A bank guarantee of Rs. 10 crore is to be deposited with the Andhra Pradesh Pollution Control Board for developing greenbelt in an area of 420 acres within two years, failing which the amount will be forfeited to the APPCB. The APPCB shall conduct a site visit and submit the report on greenbelt development in 420 acres in this regard. The APPCB after submission of site visit report may directly forfeit the amount, in case the greenbelt is not satisfactorily developed.
- iii. A committee comprising of members from State Forest Department, State Biodiversity Board, State Wildlife Department and AP Pollution Control Board (Nodal Officer) shall be formed to plan, guide the selection of species & plan of development and to oversee the progress of the greenbelt. Expenditure towards quarterly meetings and functioning of the committee is to be borne by M/s APPDCL (Proponent). The Committee has to submit the six monthly reports on progress of the greenbelt to the Ministry and its Regional Office.
- iv. The temporary diversion bund with an area of 30 acres is to be carved out from second ash pond which was already constructed.
- v. The remaining area (119 acres) as part of second ash pond shall be restored and thick greenbelt shall be developed. Subsequently, temporary diversion bund of 30 acres shall be abandoned as committed by the Project Proponent.
- vi. Increasing the dyke height of existing ash pond from 5m to 10 m is permitted.
- vii. The greenbelt of 420 acres as part of the EIA/EMP is to be developed. In case, sufficient land is not available, it may be purchased at suitable location for developing greenbelt. Funds in this regard shall be allocated and the time bound action plan shall be submitted within 3 months.

- viii. *The unutilized ash in the domestic market shall be exported as the Krishnapatnam Port is located at 5 km from the power plant.*
- ix. *A study on effect of fly ash on surrounding agriculture fields shall be conducted by Acharya N.G. Ranga Agricultural University. Findings of the study along with report shall be submitted to the Ministry and its Regional Office within 6 months.*
- x. *The desalination plant with capacity of 60 MLD under construction shall be operationalized within six months. Mixing of saline water with fly ash for disposal into the ash pond shall not permit once desalination plant is commissioned to prevent saline water intrusion into the groundwater.*
- xi. *Any directions issued by the State Pollution Control Board w.r.t submission of bank guarantee, etc. shall be complied.*
- xii. *The permission is subject to the outcome of Civil Appeal No.4699/2014 which is pending before Hon'ble Supreme Court.*

f. Further, the Project authorities vide online application dated 13.08.2019 requested for grant of permission to use additional ash pond of 70 acres for disposing unutilized ash. The EAC (Thermal Power) in its 32nd meeting held on 23rd August, 2019 after detailed deliberations, reiterated the earlier recommendation that 30 acres area to be used as ash pond as an emergency ash pond and didn't recommend for granting permission of using another land of 70 acres located adjacent to this land. The following additional conditions have also been stipulated:

- i. *The report of fly ash generation and utilization as per the Fly ash Notification shall also be submitted to Ministry and its Regional Office. Copy of agreements made for fly ash and bottom ash utilization shall also be submitted.*
- ii. *At least 50 m width of greenbelt around the periphery of existing ash pond of 100 acres and diversion bund of 30 acres.*

The time bound action plan along with financial allocation shall be submitted to the Ministry within 3 months.

- iii. *Ministry may take a separate call for permitting use of 70 acres of land as requested by the PP to dispose fly ash based on the recent notification of the Ministry i.e. permitting mine voids for disposal of fly ash by the owners of Thermal Power Plants.*
- iv. *Exploring alternate options for importing the ash, if it is not utilized in the nearby area as the Krishnapatnam port facilities are available nearby for exporting."*

g. In view of the EAC recommendations in its meeting held on 23rd August, 2019, the Ministry vide EC amendment letter no. J-13012/25/2012- IA.II (T) dated 27.02.2020 permitted the use of additional area of 30 acres for disposal of ash.

The Copy of EC/EC amendment letters dated 17.07.2007, 10.06.2013, 02.07.2015, 03.09.2019 and 27.02.2020 as well as copy of Show cause notice dated 24.04.2019 are annexed as **Annexure (Colly) No.1-6** respectively.

- 9. That with respect to Environmental Clearance granted to M/s Sembcorp Energy India Limited Thermal Power Station following is submitted:
 - a. Based on the information submitted by the Project proponent and after considering the said project in accordance with the provisions of the EIA Notification, 2006, the Ministry vide EC dated 04.11.2009 granted Environmental Clearance for establishment of 3 X 660 MW (Phase-I: 2x660MW and Phase-II: 1x660MW) M/s Sembcorp Energy India Limited Thermal Power Project [Formerly Thermal Powertech Corporation India Limited-TPCIL] located at Painampuram & Nelaturu Villages, Muthukur Mandal, SPSR Nellore District, Andhra Pradesh in an total area of 1367 acres. Thereafter, the Project authorities requested for extension of validity of environmental clearance issued vide this Ministry's letter dated 04.11.2009. The proposal was recommended by the Expert Appraisal Committee (Thermal Power) in its 24th Meeting held during 30th-31st October, 2014. In acceptance of the recommendation of the Committee, the validity period of the environmental clearance letter issued by this

Ministry's letter dated 04.11.2009 was extended for a further period till 03.11.2015 vide Ministry's letter dated 02.03.2015.

- b. Thereafter, vide online application No. IA/AP/THE/10458/2009, M/s Sembcorp Energy India Limited sought transfer of EC to their name from M/s Thermal Powertech Corporation (India) Ltd. Based on the information/clarification furnished by the project authority and as per the EIA Notification, 2006, the EC letter dated 04.11.2009 and its validity extension letter dated 02.03.2015 was transferred in favour of M/s Sembcorp Energy India Ltd. vide EC amendment dated 09.10.2019.

The Copy of EC letters dated 04.11.2009; 02.03.2015 and 09.10.2019 are annexed as **Annexure (Colly) No. 7 – 9** respectively.

10. It is submitted that the answering Respondent, following the aforementioned comprehensive process and after examination of recommendation of the reconstituted EAC (Thermal Power), granted the aforesaid Environmental Clearances to both the projects in question i.e. *M/s. Sri Damodaram Sanjeevaiah Thermal Power Station and M/s Sembcorp Energy India Ltd.* under the provisions of the EIA Notification, 2006 with certain environmental safeguard conditions as recommended by the EAC along with general conditions with a view to minimize the possible environmental concerns associated with the activity and to ensure environment sustainability.

11. The relevant conditions stipulated in the environmental clearance granted to both the projects in question, addressing the environmental concerns, is reproduced below:

- i. Fly Ash shall be collected in Silos in dry form and bottom ash in hydro bins and its 100% utilization shall be ensured from the day of commissioning of the plant. In emergency, the unutilized fly ash/ bottom ash shall be disposed of at the proposed ash disposal site through HCSD system. (*Condition no. xii, page no. 2 of the EC dated 17.07.2007 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station*)
- ii. A greenbelt of 100m width shall be developed all around the plant boundary and ash dyke covering an area of at least 170 ha. (*Condition no. xv, page no. 3 of the EC dated 17.07.2007*)

granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)

- iii. Green Belt consisting of three tiers of plantations of native species around plant and at least 50 m width shall be raised. Wherever 50 m width is not feasible a 20 m width shall be raised and adequate justification shall be submitted to the Ministry. Tree density shall not be less than 2500 per ha with survival rate not less than 80 %. *(Specific Condition no. xxxiii page no. 5 of the EC dated 02.07.2015 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)*
- iv. A bi-flue stack of 275 m height with exit velocity of not less than 29.2 m/s shall be provided with continuous online monitoring system. *(Condition no. v, page no. 2 of the EC dated 17.07.2007 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)*
- v. A stack of 275 m height shall be provided with continuous online monitoring equipment for SO_x, NO_x and PMs & PM₁₀. Exit velocity of flue gases shall not be less than 22 m/ sec. Mercury emissions from stack shall also be monitored on periodic basis. *(Specific Condition no. x, page no. 3 of the EC dated 02.07.2015 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)*
- vi. Desalination plant shall be installed for meeting the sweet water requirement of the project. *(Condition no. viii, page no. 2 of the EC dated 17.07.2007 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)*
- vii. Regular monitoring of the air quality shall be carried out in and around the power plant and records shall be maintained. The location of monitoring stations and frequency of monitoring shall be decided in consultation with SPCB. *(Condition no. xvi, page no. 3 of the EC dated 17.07.2007 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)*
- viii. For controlling fugitive dust, regular sprinkling of water in the coal handling area and other vulnerable areas of the plant shall

be ensured. (Condition no. xvii, page no. 3 of the EC dated 17.07.2007 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)

- ix. The project affected people shall be suitably rehabilitated and compensation paid in accordance with the R&R policy of the State Government. (Condition no. xviii, page no. 3 of the EC dated 17.07.2007 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)
- x. The water quality shall be monitored at three locations around the ash pond every six months. (Specific Condition no. xv, page no. 3 of the EC amendment dated 02.07.2015 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)
- xi. 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. (Specific Condition no. xviii, page no. 3 of the EC amendment dated 02.07.2015 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)
- xii. Treated effluents conforming to the prescribed standards shall be re-circulated and reused within the plant. No effluents shall be discharged outside the plant boundary except during monsoon season. (Condition no. x, page no. 2 of the EC dated 17.07.2007 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)
- xiii. Wastewater generated from the plant shall be treated before discharge to comply with limits prescribed by the SPCB/CPCB. (Specific Condition no. xx, page no. 3 of the EC amendment dated 02.07.2015 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)
- xiv. 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. (Specific Condition no. xviii, page no. 3 of the EC dated 02.07.2015 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)

- xv. The treated effluents conforming to the prescribed standards only shall be re-circulated and reused within the plant. Arrangements shall be made that effluents and storm water do not get mixed. (*General Condition no. ii, page no. 5 of the EC dated 02.07.2015 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station*)
- xvi. Fly ash shall be collected in dry form and storage facility shall be provided. Unutilized fly ash shall be disposed of in the ash pond in the form of slurry. Mercury and other heavy metals will be monitored in the bottom ash as also in the effluents emanating from the existing ash pond. No ash shall be disposed of in low lying area. (*Specific Condition no. xxix, page no. 4 of the EC amendment dated 02.07.2015 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station*)
- xvii. Fugitive emission of fly ash (dry or wet) shall be controlled such that no agricultural or non-agricultural land is affected. Damage to any land shall be mitigated and suitable compensation shall be provided in consultation with the local panchayat. (*Specific Condition no. xxx, page no. 4 of the EC amendment dated 02.07.2015 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station*)
- xviii. Ash pond shall be lined with HDPE/LDPE lining or any other suitable impermeable media such that no leakage takes place at any point of time. Adequate safety measures shall also be implemented to protect the ash dyke from getting breached. (*Specific Condition no. xxxi, page no. 4 of the EC amendment dated 02.07.2015 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station and Additional condition no. vii, page no.2 of the EC dated 04.11.2009 granted to M/s Sembcorp Energy India Ltd.*)
- xix. Green belt shall also be developed around the Ash Pond over and above the Green belt around the plant boundary. (*Specific Condition no. xxxiv, page no. 5 of the EC dated 02.07.2015*)

granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)

- xx. At least 50 m width of greenbelt to be developed around the periphery of existing ash pond of 100 acres and diversion bund of 30 acres. *(Additional Condition no. iii, page no. 2 of the EC dated 27.02.2020 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)*
- xxi. Storage facilities for auxiliary liquid fuel such as LDO and HFO/LSHS shall be made in the plant area in consultation with Department of Explosives, Nagpur. Sulphur content in the liquid fuel will not exceed 0.5%. *(Additional condition no. xvi, page no.3 of the EC dated 04.11.2009 granted to M/s Sembcorp Energy India Ltd.)*
- xxii. Regular monitoring of ground level concentration of SO₂, NO_x, RSPM and Hg 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. *(Specific condition no. xxi, page no.3 of the EC dated 04.11.2009 granted to M/s Sembcorp Energy India Ltd.)*
- xxiii. A good action plan for R&R (if applicable) with package for the project affected persons be submitted and implemented as per prevalent R&R policy within three months from the date of issue of this letter. *(Specific condition no. xxii, page no.3 of the EC dated 04.11.2009 granted to M/s Sembcorp Energy India Ltd.)*
- xxiv. Fugitive emissions shall be controlled to prevent impact on agricultural or non-agricultural land. *(Additional condition no. xxxix, page no. 1 of the EC amendment dated 02.03.2015 granted to M/s Sembcorp Energy India Ltd.)*
- xxv. Fly ash shall be collected in dry form and storage facility (silos) shall be provided (as applicable). 100% fly ash utilization shall be ensured from 4th year onwards. Unutilized ash shall be disposed of in the ash pond in the form of slurry form. *(Specific*

condition no. vi, page no. 2 of the EC dated 04.11.2009 granted to M/s Sembcorp Energy India Ltd.)

- xxvi. Adequate safety measures shall be provided in the plant area to check/minimize spontaneous fires in coal yard, especially during summer season. (Specific condition no. xv, page no. 2 of the EC dated 04.11.2009 granted to M/s Sembcorp Energy India Ltd.)
- xxvii. 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. (Specific condition no. v, page no. 2 of the EC dated 04.11.2009 granted to M/s Sembcorp Energy India Ltd.)
- xxviii. Shelter Belt consisting of 3 tiers of plantations around the plant of 100m width and adequate tree density shall be provided. (Specific condition no. xviii, page no. 3 of the EC dated 04.11.2009 granted to M/s Sembcorp Energy India Ltd.)

12. That it is also worthwhile to mention that the Joint Committee had submitted its Report dated 22.03.2022, before the Hon'ble Tribunal. The Joint Committee has observed major non-compliances against both the projects in question and it has also assessed the environmental damage on account of operation of units of the projects in question. The Joint Committee Report is not produced in the present affidavit for the sake of brevity. The major non-compliances observed by the Joint Committee are as follows:

A. *M/s Sri Damodaram Sanjeevaiah Thermal Power Station –*

- i. *non-utilisation of 100% fly ash & bottom ash,*
- ii. *inadequate measures taken for controlling fugitive emissions from coal storage yard and Ash pond*
- iii. *poor operation, maintenance & calibration of CAAQM stations and on line monitoring system installed to monitor the effluent & emissions and*
- iv. *inadequate green development around the plant*

B. M/s Sembcorp Energy India Ltd., Project -1 –

- i. non- installation of closed shed, wind barrier/wind breaking wall coal storage yard
- ii. inadequate measures taken for controlling fugitive emissions from coal storage yard
- iii. non- utilization of 100% fly ash& bottom ash”

13. That in light of above, after the perusal of the Joint Committee Report, the answering Respondent has issued Show cause notices dated 04.08.2022 under Section 5 of the Environment (Protection) Act, 1986 to M/s Sri Damodaram Sanjeevaiah Thermal Power Plant and M/s Sembcorp Energy India Limited (Project-1) (Respondent no. 8 & 9) on account of non-compliance of environmental conditions.

Copy of Show cause notices dated 04.08.2022 is annexed as **Annexure R-10 and Annexure R-11.**

14. Thus, it is humbly submitted that the issues raised regarding consideration of EIA/EMP report are denied as the EAC after due deliberation and proper examination of facts recommended the proposals for EC/EC amendment to the project in question and actions were taken by the Ministry as and when any kind of violation has come to the notice of the Ministry. However, submission made above and suggestions/ recommendations made in the Joint Committee Report may guide in deciding the factual status of violation committed by the project proponent and accordingly the Hon'ble Tribunal may issue appropriate directions as deemed fit.

15. It is submitted that the present reply affidavit may kindly be taken on record and the Hon'ble Tribunal may pass appropriate Order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case. It is further submitted that this answering Respondent shall abide with any directions passed by this Hon'ble Tribunal.


16. That other/ancillary issues raised in the application under reply do not pertain to the answering respondent. The Answering Respondent seeks leave to make additional submissions, if required, during the course of the proceedings.


11/08/22
DEPONENT
(Dr. SURESH BABU PASUPULETI)
वैज्ञानिक 'डी' / SCIENTIST 'D'
भारत सरकार / Govt. of India
जलवायु परिवर्तन मंत्रालय / Min. of Env. Forest & CC
एकीकृत क्षेत्रीय कार्यालय / Integrated Regional Office
विजयवाड़ा / VIJAYAWADA.

VERIFICATION

Verified at Vijayawada on 11th day of August, 2022.

I, the above named deponent, do hereby solemnly affirm and state that the contents of above mentioned are true and correct to the best of my knowledge and based on record and I have not suppressed any material fact.


11/08/2022

DEPONENT

डॉ. सुरेश बाबु पसुपुलेटी
(Dr. SURESH BABU PASUPULETI)
वैज्ञानिक 'डी' / SCIENTIST 'D'
भारत सरकार / Govt. of India
मलवायु परिवर्तन मंत्रालय / Min. of Env. Forest & CC
एकीकृत क्षेत्रीय कार्यालय / Integrated Regional Office
विजयवाडा / VIJAYAWADA.

BY SPEED POST

J-13011/20/2007-IA-II (T)
Government of India
Ministry of Environment & Forests

Paryavaran Bhawan
CGO Complex, Lodi Road
New Delhi-110003

Dated: 17th July, 2007

To

The Chairman
Andhra Pradesh Power Development Company Ltd.,
2nd floor, Vidyut Soudha
Hyderabad- 500 082, A.P.

**Sub: 2x800 MW Thermal Power Project at Krishnapatnam, Nellore,
Andhra Pradesh by M/s Andhra Pradesh Power Development
Company Ltd - Environmental Clearance Regarding.**

Sir,

The undersigned is directed to refer to your communication no. APGENCO/Krishnapatnam dated 03.04.2007 on the above mentioned subject.

2. It is noted that the proposal is for grant of environmental clearance under the provisions of EIA Notification, 1994 for setting up of a 1600 MW (2x800 MW) thermal power plant near Krishnapatnam, District Nellore, Andhra Pradesh. The coordinates of the project site are 14° 19' 30" N latitude and 80° 7' 30" E longitude. The land requirement for the project is 1250 acres, which also includes land for coal conveyors. The coal requirement is estimated as 13656 TPD. It is proposed to blend the Indian washed coal (70%) and imported coal (30%). The water requirement is estimated as 296400 m³/day, which will be obtained from sea. 100% utilization of ash will be ensured from day one. No ecologically sensitive area is reported within 10 Km from the project boundary and no forest land is involved. R&R of 88 families is involved. Public hearing was held on 6th January, 2007. Total cost of the project is Rs 8432.14 crores which includes Rs 132.00 crores for environmental protection measures.

3. The proposal has been considered by the Expert Appraisal Committee in accordance with para 12 of the EIA Notification dated 14th September, 2006 read with para 2.2.1 (i) (a) of the Circular No. J-11013/41/2006-IA.II(I) dated 13.10.2006. Based on the recommendations of the Expert Appraisal Committee for Thermal Power and

[Signature]

Coal Mine Projects, Ministry of Environment & Forests hereby accords environmental clearance to the said project under the provisions of EIA Notification 2006, subject to implementation of the following terms and conditions:-

- (i) No activities in CRZ area shall be taken up without obtaining requisite prior clearance under the provisions of the CRZ Notification, 1991.
- (ii) Supercritical technology shall be adopted.
- (iii) The Indian washed coal and imported coal shall be blended in the ratio of 70% and 30%. The blended coal to be used as fuel shall have sulphur content not exceeding 0.62% and ash content not exceeding 28.3%.
- (iv) Space provision shall be made for installation of FGD of requisite efficiency of removal of SO_2 , if required at later stage.
- (v) A bi-flue stack of 275 m height with exit velocity of not less than 29.2 m/s shall be provided with continuous online monitoring system.
- (vi) High efficiency Electrostatic Precipitator (ESPs) having efficiency of 99.9% shall be installed so as to ensure that particulate emissions do not exceed 100 mg/Nm³.
- (vii) Low NOx burners shall be provided.
- (viii) Desalination plant shall be installed for meeting the sweet water requirement of the project.
- (ix) Closed Cycle Cooling system with natural draft cooling towers shall be provided.
- (x) Treated effluents conforming to the prescribed standards shall be re-circulated and reused within the plant. No effluents shall be discharged outside the plant boundary except during monsoon season.
- (xi) The condenser water blow down to be discharged into the sea shall be at ambient temperature from the cold water side.
- (xi) Rain water harvesting should be adopted. Central Groundwater Authority / Board shall be consulted for finalization of appropriate rain water harvesting technology within a period of three months from the date of clearance.
- (xii) Fly ash shall be collected in Silos in dry form and bottom ash in hydro bins and its 100% utilization shall be ensured from the day of the commissioning of the plant. In emergency, the unutilized fly ash/ bottom ash shall be disposed off at

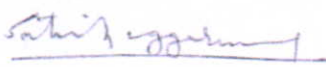


the proposed ash disposal site through HCSD system. Borrow earth shall not be taken from ash pond area for construction of ash dyke etc.

- (xiii) Regular monitoring of ground water quality including heavy metals shall be undertaken around ash dyke and the project area to ascertain the change, if any, in the water quality due to leaching of contaminants from ash disposal area.
- (xiv) Noise levels shall be limited to 75 dBA. For people working in the high noise area, protective devices such as earplugs etc. shall be provided.
- (xv) A greenbelt of 100 m width shall be developed all around the plant boundary and ash dyke covering an area of at least 170 ha.
- (xvi) Regular monitoring of the air quality shall be carried out in and around the power plant and records shall be maintained. The location of monitoring stations and frequency of monitoring shall be decided in consultation with SPCB. Six monthly reports shall be submitted to this Ministry.
- (xvii) For controlling fugitive dust, regular sprinkling of water in the coal handling area and other vulnerable areas of the plant shall be ensured.
- (xviii) The project affected people shall be suitably rehabilitated and compensation paid in accordance with the R&R policy of the State Government.
- (xix) The project proponent should advertise in at least two local newspapers widely circulated in the region around the project, one of which should be in the vernacular language of the locality concerned, informing that the project has been accorded environmental clearance and copies of clearance letters are available with the State Pollution Control Board/Committee and may also be seen in the Website of the Ministry of Environment and Forests in the <http://envfor.nic.in>.
- (xx) A separate environment monitoring cell with suitable qualified staff should be set up for implementation of the stipulated environmental safeguards.
- (xxi) Half yearly report on the status of implementation of the conditions and environmental safeguards should be submitted to this Ministry, the Regional Office, CPCB and SPCB.
- (xxii) Regional Office of the Ministry of Environment & Forests located at Bangalore will monitor the implementation of the stipulated conditions. A complete set of documents including Environmental Impact Assessment Report, Environment Management Plan and the additional information / clarifications submitted subsequently should be forwarded to the Regional Office for their use during monitoring.

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- (xxiii) Separate funds should be allocated for implementation of environmental protection measures along with item-wise break-up. These cost should be included as part of the project cost. The funds earmarked for the environment protection measures should not be diverted for other purposes and year-wise expenditure should be reported to the Ministry.
- (xxiv) Full cooperation should be extended to the Scientists/Officers from the Ministry and its Regional Office at Bangalore / the CPCB / the SPCB during monitoring of the project.
4. The Ministry reserves the right to revoke the clearance if conditions stipulated are not implemented to the satisfaction of the Ministry.
 5. The environmental clearance accorded shall be valid for a period of 5 years to the start of production operations by the power plant.
 6. In case of any deviation or alteration in the project proposed 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 incorporate additional environmental protection measures required, if any.
 7. The above stipulations would 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 rules there under, Hazardous Wastes (Management and Handling) Rules, 1989 and its amendments, the Public Liability Insurance Act, 1991 and its amendments.

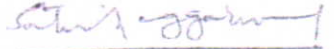

(DR. S.K. AGGARWAL)
DIRECTOR

Copy to:-

1. The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001.
2. The Principal Secretary, Department of Environment, Science & Technology, Government of Andhra Pradesh, Sectt. Building, Hyderabad-500 022.



3. The Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
4. The Chairman, Andhra Pradesh Pollution Control Board, Paryavaran Bhawan, A-3, Industrial Estate, Sanathnagar, Hyderabad-500 018 - with a request to display a copy of the clearance letter at the Regional Office, District Industries Centre and Collector's office for 30 days.
5. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032.
6. The Chief Conservator of Forests, Ministry of Environment & Forests, Regional Office(SZ), Kendriya Sadan, 4th Floor, E&F Wings, 17th Main Road, II-Block, Koramangla, Bangalore-560034.
7. The Director (EI), MOEF.
8. Guard file.
9. Monitoring file.


(DR. S.K. AGGARWAL)
DIRECTOR



Annexure - R-2

PROJECT MANAGER
APPDCL, HYD-45.
Inward No. 2143

18 JUN 2013

DPM
DE-I
DE-II ✓
DE-III
PO

18/6/13
PM



J-13011/20/2007-IA.II (T)
Government of India
Ministry of Environment & Forests

Tel no: 011- 2436 4067
Paryavaran Bhavan, C.G.O. Complex,
Lodi Road, New Delhi -110003.
Dated: 10.06.2013

To ✓
M/s Andhra Pradesh Power Development Company Ltd.
Ground Floor, APGENCO Building
GTS Colony, Erragadda
Hyderabad - 500 045.

Sub: **2x800 MW Thermal Power Project at
Krishnapatnam, in Nellore Distt., in Andhra
Pradesh - reg.**

Sir,

This has reference to your letters dated 15.11.2012 and 10.12.2012 requesting for extension of validity period of environmental clearance accorded for the 2x800 MW Thermal Power Project at Krishnapatnam, in Nellore Distt., in Andhra Pradesh issued vide this Ministry's letter of even no., dated 17.07.2007.

2. The matter was placed before the Expert Appraisal Committee (Thermal Power) in its 64th Meeting held during January 7-8, 2013. It is hereby informed that in acceptance of the recommendation of the Committee and in view of the information / clarification furnished by you with respect to the implementation of the above mentioned power plant, the validity period of the environmental clearance letter issued by this Ministry's letter of even no., dated 17.07.2007 is now extended for a further period till 16.07.2017.

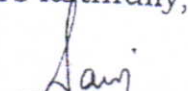
3. It is further informed that at para no.2 of this Ministry's letter of even no. dated 03.05.2012, in the last line the co-ordinate read as 14°21'06"N to 14°21'29" N Longitude shall be now read as 14°20'27" N to 14°21'06"N.

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4. All other conditions mentioned in this Ministry's letter of even no. dated 17.07.2007 and 03.05.2012 shall remain the same.

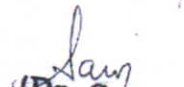
This issues with the approval of the Competent Authority.

Yours faithfully,


(Dr. Saroj)
Director

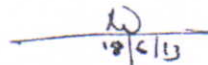
Copy to:

1. The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001.
2. The Secretary, (Environment), Forests and Environment Department Government of Andhra Pradesh.
3. The Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
4. The Chairman, Andhra Pradesh State Pollution Control Board, Paryavaran Bhawan, A-3 Industrial Estate, Sanath Nagar, Hyderabad- 500 018.
5. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi- 110032.
6. The Chief Conservator of Forests, Regional Office (SZ), Kendriya Dadan, 4th Floor E&F Wings 17th Main Raod, 1 Block, Koranmangala, Bangalore -560 034.
7. The District Collector, Nellore District, Govt. of Andhra Pradesh.
8. Monitoring file.


(Dr. Saroj)
Director

Copy to

CE/TPC /VS /HJD
ALGAWO
CE/CVI /TS /VS/HYR
ALGAWO
CE/SAB/TS /ALGAWO
SE/CBI /VS /ALGAWO


12/11





J-13012/25/2012-IA.II (T)
Government of India
Ministry of Environment, Forest and Climate Change

Indira Paryavaran Bhawan, Jor Bagh Road
Aliganj, New Delhi-110003

Dated: 02.07.2015

To

M/s Andhra Pradesh Power Development Company Ltd.
(A subsidiary of APGENCO & Govt. of Andhra Pradesh Undertaking)
Ground Floor, APGENCO Building,
GTS Colony, Kalyan Nagar,
Hyderabad- 500 045

Tel. No. 040-23840268/270-71 Fax: 040-23840267

Sub: Expansion by addition of 1x800 MW capacity (Stage II) to 2x800 MW (Stage-I) for imported coal based Sri Damodaram Sanjeevaiah Thermal Power Station at Village Nelaturu, Tehsil Muttukuru, Sri Potti Sriramulu Nellore District in Andhra Pradesh by M/s. Andhra Pradesh Power Development Company Limited (APPDCL) - reg. Environmental Clearance.

Sir,

This has reference to your online application dated 25.09.2014 and information/documents dated 13.04.2015 on the above subject. The Ministry has examined the application. It is inter-alia noted that the ToR for preparation of EIA/EMP report was accorded by the Ministry on 26.09.2012. Public Hearing for the project was conducted on 18.09.2014

2. The expansion TPP (Stage-II) will be on about 51 acres of land within the 1344.80 acres of land which is already under possession of APPDCL. Therefore, no additional land is required for this expansion Unit. All existing facilities for Stage-I shall be used for Stage II also. There is no R&R involved. There are no National Parks, Sanctuary, Elephant / Tiger reserve, Migratory Routes/Wild Life Corridors within 10 km radius of the existing plant site. Buckingham Canal is at 0.4 km E, Bay of Bengal is at 2.6 km E and Upputeru River is at 6.0 km, SSW. Ipuru Reserve Forest (RF) is at 6.5 km SSW & Tammenapatnam RF is at 9.7 km S. Ecological survey shows that there are no endangered or threatened species of flora and fauna in the region. The flora and fauna observed in the region are common in nature. The capital cost and recurring cost per annum for environmental measures is Rs. 360 crores and 5 crores respectively. Provision for Rs. 20.56 Crores being 0.4% of project cost is earmarked for CSR activities under Stage-II with a recurring expenditure of Rs.4.11 Crores at 0.08%.

3. The expansion TPP shall be based on 100% imported coal and an MoU has been signed with MMTC on 26.03.2015 for supply of 2.5 MTPA coal. The sulphur and ash content in coal shall range from 0.45-0.8 (%) and 12-16 (%) respectively. Coal will be transported in a closed piped conveyor system from Krishnapatnam port to the plant. Stage-I conveyer system will be utilized for Stage-II also.

4. The water for the proposed expansion TPP will be sourced from sea and the total sea water requirement is about 6,556 m³/h. Out of this, about 4,565 m³/h (primarily cooling tower blow down and R.O plant reject water) would be discharged back to the sea and about 1,656 m³/h would be lost through evaporation in the cooling towers. Remaining treated wastewater along with R.O reject water will be

discharged into sea at about 1.5 km from the sea shore. The resultant requirement of water of 2.49 m³/h/MW is well within the Central Electricity Authority (CEA) norms of 3.0 m³/h/MW. Cycles of Concentration (COC) of 1.4 will be maintained. Sea water allocation has been obtained from Government of Andhra Pradesh Infrastructure & Investment (Ports-I) Department vide letter dated 26-12-2012. CRZ clearance and its amendment for intake and outfall facilities were accorded on 29.05.2008 and 03.09.2013 respectively.

5. Total ash generation from Stage-II TPP would be 1162 TPD which will comprise of 232 TPD of Bottom ash (20%) and 930 TPD of dry fly ash (80%). MoU has been signed with M/s India Cements, Bharati Cements etc. for lifting of Dry Fly Ash of 400 TPD and 500 TPD respectively. Bottom ash will be supplied to brick manufacturers at free of cost. Existing ash pond will be utilized for Stage-II also. It is proposed to monitor water quality at three locations around the ash pond every six months.

6. Based on the information, clarification, documents submitted and presentations made by you and your consultant viz. M/s Vimta Labs Ltd., Hyderabad before the Expert Appraisal Committee (Thermal Power) in its 34th Meeting held during 29th-30th April, 2015, the Ministry hereby accords environmental clearance to the above project under the provisions of EIA Notification dated September 14, 2006 and its subsequent amendments therein subject to compliance of the following Specific and General conditions:

A. Specific Conditions:

- i) *The EC is subject to outcome of all the matters pending before various Hon'ble Courts.*
- ii) *Amendment to the EC of existing Units regarding Rain Water Harvesting shall be obtained.*
- iii) *Permission from the Ministry shall be obtained immediately for the existing Units regarding temporary transportation of coal by road for trial operation/commissioning, till the closed conveyor is operational.*
- iv) *Vision document specifying prospective plan for the site shall be formulated and submitted to the Regional Office of the Ministry within **six months**.*
- v) *Harnessing solar power within the premises of the plant particularly at available roof tops shall be carried out and status of implementation including actual generation of solar power shall be submitted along with half yearly monitoring report.*
- vi) *Latest authenticated satellite imagery shall be submitted on an annual basis to monitor the alterations of the area.*
- vii) *A long term study of radio activity and heavy metals contents on coal to be used shall be carried out through a reputed institute and results thereof analyzed every two year and reported along with monitoring reports. 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.*
- viii) *Radiation levels will be monitored in the coal storage and fly ash storage areas every six months.*

- ix) *The Sulphur and ash content of coal shall not exceed 0.8 % and 16 % respectively. In case of variation of quality at any point of time, fresh reference shall be made to the Ministry for suitable amendments to the environmental clearance.*
- x) *A stack of 275 m height shall be provided with continuous online monitoring equipments for SO_x, NO_x and PM_{2.5} & PM₁₀. Exit velocity of flue gases shall not be less than 22 m/sec. Mercury emissions from stack shall also be monitored on periodic basis.*
- xi) *High Efficiency Electrostatic Precipitators (ESPs) shall be installed to ensure that particulate emission does not exceed 50 mg/Nm³. 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.*
- xii) *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.*
- xiii) *COC of atleast 1.4 shall be adopted.*
- xiv) *As committed, there shall be no increase in temperature of discharge water at the out fall point in the sea.*
- xv) *The water quality shall be monitored at three locations around the ash pond every six months.*
- xvi) *Monitoring of surface water quantity and quality shall also be regularly conducted and records maintained. The monitored data shall be submitted to the Ministry regularly. Further, monitoring points shall be located between the plant and drainage in the direction of flow of ground water and records maintained. Monitoring for heavy metals in ground water shall also be undertaken and results/findings submitted along with half yearly monitoring report.*
- xvii) *A well designed rain water harvesting system shall be put in place within six months, which shall comprise of rain water collection from the built up and open area in the plant premises and detailed record kept of the quantity of water harvested every year and its use.*
- xviii) *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.*
- xix) *Hydrogeology of the area shall be reviewed annually from an institute/ organization of repute to assess impact of surface water and ground regime (especially around ash dyke). In case any deterioration is observed specific mitigation measures shall be undertaken and reports/ data of water quality monitored regularly and maintained shall be submitted to the Regional Office of the Ministry.*
- xx) *Wastewater generated from the plant shall be treated before discharge to comply limits prescribed by the SPCB/CPCB.*
- xxi) *Explore the commercial utilization of brine instead of discharging into sea.*



- xxii) Disposal of solid/liquid from Desalination plant shall comply with the prescribed standards and if need be, environmental safeguard measures by providing balancing/neutralizing tank may be set up and operated regularly & efficiently.
- xxiii) Sea water quality shall be continuously monitored for salinity, turbidity and temperature at selective sites across the impacted zone including estuarine waters. Mitigative measures shall be undertaken through institutes such as Annamalai University for continuous preservation of mangroves and their ecology. The monitoring data shall be uploaded on the company's website and also submitted to Regional Office of the Ministry every six months.
- xxiv) To minimize entrapment of even small marine flora and fauna, state of the art low aperture intake screens with high effectiveness for impingement and entrainment and fishnet around intake shall be installed.
- xxv) Fish catch along the impacted zone of sea should be monitored periodically by the Department of Fisheries, Government of Andhra Pradesh. The project proponent shall accordingly take up the matter with the Fishery Dept., Govt. of A.P. from time to time.
- xxvi) Marginalized section of society particularly traditional fishermen communities shall be identified based on 2011 population census data and socio-economic study of the various strata of families such as those carrying out subsistence fishing, commercial fishing etc. shall be carried out and impact on their livelihoods shall be assessed separately. Accordingly, sustainable welfare scheme/measures shall be undertaken and status of implementation shall be submitted to the Regional Office of the Ministry within six months.
- xxvii) A state-of-the-art environmental laboratory at the project site shall be established such that the laboratory has facilities for long term monitoring of sea water quality and sediment in the impacted zone over and above and ambient air, soil quality analysis of the area. The proponent shall undertake mitigative measures if there are any negative impacts.
- xxviii) Additional soil for leveling of the proposed site shall be generated within the sites (to the extent possible) so that natural drainage system of the area is protected and improved.
- xxix) Fly ash shall be collected in dry form and storage facility (silos) shall be provided. Unutilized fly ash shall be disposed off in the ash pond in the form of slurry. 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. No ash shall be disposed off in low lying area.
- xxx) Fugitive emission of fly ash (dry or wet) shall be controlled such that no agricultural or non-agricultural land is affected. Damage to any land shall be mitigated and suitable compensation provided in consultation with the local Panchayat.
- xxxi) Ash pond shall be lined with HDPE/LDPE lining or any other suitable impermeable media such that no leachate takes place at any point of time. Adequate safety measures shall also be implemented to protect the ash dyke from getting breached.
- xxxii) Green belt development for the existing Units (stage-I) shall be expedited and completed latest by the end of the Year 2015.



- xxxiii) Green Belt consisting of three tiers of plantations of native species around plant and at least 50 m width shall be raised. Wherever 50 m width is not feasible a 20 m width shall be raised and adequate justification shall be submitted to the Ministry. Tree density shall not be less than 2500 per ha with survival rate not less than 80 %.
- xxxiv) Green belt shall also be developed around the Ash Pond over and above the Green Belt around the plant boundary.
- xxxv) *As committed, a minimum amount of Rs. 20.56 Crores shall be earmarked as capital cost for CSR activities and Rs. 4.11 Crores/annum or the amount as per the CSR policy of GOI whichever is higher shall be earmarked as recurring cost per annum till the operation of the plant.*
- xxxvi) CSR schemes identified based on 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.
- xxxvii) For proper and periodic monitoring of CSR activities, a CSR committee or a 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.
- xxxviii) An Environmental 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.

B. General Conditions:

- (i) Space for FGD shall be provided for future installation as may be required
- (ii) The treated effluents conforming to the prescribed standards only shall be re-circulated and reused within the plant. Arrangements shall be made that effluents and storm water do not get mixed.
- (iii) A sewage treatment plant shall be provided (as applicable) and the treated sewage shall be used for raising greenbelt/plantation.
- (iv) Adequate safety measures shall be provided in the plant area to check/minimize spontaneous fires in coal yard, especially during summer season. Copy of 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.
- (v) Storage facilities for auxiliary liquid fuel such as LDO/ HFO/LSHS shall be made in the plant area in consultation with Department of Explosives, Nagpur. 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 due to storage of oil.

- (vi) First Aid and sanitation arrangements shall be made for the drivers and other contract workers during construction phase.
- (vii) Noise levels emanating from turbines shall be so controlled such that the noise in the work zone shall be limited to 85 dB(A) from source. 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.
- (viii) Regular monitoring of ambient air ground level concentration of SO₂, NO_x, PM_{2.5} & PM₁₀ and Hg 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.
- (ix) Utilization of 100% Fly Ash generated shall be made from 4th year of operation. Status of implementation shall be reported to the Regional Office of the Ministry from time to time.
- (x) Provision shall be made for the housing of construction labour (as applicable) within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, 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.
- (xi) 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>.
- (xii) 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, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.
- (xiii) The proponent shall upload the status of compliance of the stipulated environmental clearance 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 (PM_{2.5} & PM₁₀), SO₂, NO_x (ambient levels as well as stack emissions) shall be displayed at a convenient location near the main gate of the company in the public domain.



- (xiv) The environment statement for each financial year ending 31st 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 Offices of the Ministry by e-mail.
- (xv) **The project proponent shall submit six monthly reports on the status of the implementation of the stipulated environmental safeguards to the Ministry of Environment and Forests, its Regional Office, Central Pollution Control Board and State Pollution Control Board. The project proponent shall upload the status of compliance of the environmental clearance conditions on their website and update the same periodically and simultaneously send the same by e-mail to the Regional Office, Ministry of Environment and Forests.**
- (xvi) Regional Office of the Ministry of Environment & Forests will monitor the implementation of the stipulated conditions. 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. 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 including NO_x (from stack & ambient air) shall be displayed at the main gate of the power plant.**
- (xvii) 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.
- (xviii) 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 dates of start of land development work and commissioning of plant.
- (xix) Full cooperation shall be extended to the Scientists/Officers from the Ministry / Regional Office of the Ministry / CPCB/ SPCB who would be monitoring the compliance of environmental status.
7. The Ministry reserves the right to revoke the clearance if conditions stipulated are not implemented to the satisfaction. The Ministry may also impose additional environmental conditions or modify the existing ones, if necessary.
8. The environmental clearance accorded **shall be valid for a period of 7 years** from the date of issue of this letter to start operations by the power plant.
9. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.
10. 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

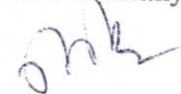


reference should be made to the Ministry to assess the adequacy of the condition(s) imposed and to add additional environmental protection measures required, if any.

11. The above stipulations would 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 rules there under, Hazardous Wastes (Management, Handling & Transboundary Movement) Rules, 2008 and its amendments, the Public Liability Insurance Act, 1991 and its amendments.

12. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.


Yours faithfully,



(B.B. Barman)
Scientist 'F'

Copy to:

1. The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001.
2. The Secretary, (Environment), Forests and Environment Department Government of Andhra Pradesh.
3. The Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
4. The Chairman, Andhra Pradesh Pollution Control Board, Paryavaran Bhawan, A-3 Industrial Estate, Sanath Nagar, Hyderabad- 500 018.
5. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032.
6. The Additional PCCF (Central), Regional Office, Ministry of Environment, Forests and Climate Change, 1st & 2nd Floors, HEPC Building, 34, Cathedral Garden Road, Nungambakkam, Chennai- 600034.
7. The District Collector, Nellore District, Govt. of Andhra Pradesh.
8. Guard file/Monitoring file.
9. Website of MoEF&CC.



(B.B. Barman)
Scientist 'F'





J-13011/20/2007-IA.II (T) pt.
Government of India
Ministry of Environment, Forest and Climate Change

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

Dated: 03.09.2019

To
The Chief General Manager
M/s Andhra Pradesh Power Development Company Ltd.
Plot No.29, Road No.1, Central Excise Colony,
Vijayawada-520008, Andhra Pradesh.

Phone: 0866-2526411; E-mail: environment.apgenco@gmail.com.

Sub: 2x800 MW Sri Damodaram Sanjeevaiah Thermal Power Project at Nelaturu Village, Muthukuru Mandal, SPSR Nellore District, Andhra Pradesh by M/s Andhra Pradesh Power Development Company Ltd.- reg. amendment in EC.

Sir,

This has reference to your online application No. **IA/AP/THE/26414/2007** dated 23.11.2018, Ministry's Show-Cause Notice dated 24.4.2019 and your letter dated 13.5.2019 on the above mentioned subject regarding permission to raise the ash dyke height by 5 m.

2. It has been noted that the Environmental Clearance (EC) for establishing 2x800 MW (Stage-I) Supercritical Thermal Power Plant has been issued vide Ministry's letter dated 17.7.2007. Further, an amendment in the said EC for shifting of ash pond from the plant premises to outside the plant boundary has been accorded vide Ministry's letter dated 3.5.2012. It was permitted to use 100 acres of ash pond as per the Environmental Clearance for Stage-I. Further, the validity of EC dated 17.7.2007 has been extended for a period of five years, i.e. till 16.7.2017 vide Ministry's letter dated 10.6.2013.

3. It has been noted that the Environmental Clearance for establishing 1x800 MW (Stage-II) Supercritical Thermal Power Plant within the premises of Stage-I Power Project has been issued vide Ministry's letter No. J-13012/25/2012-IA.II(T) dated 2.7.2015. As per the EIA/EMP submitted for Stage-II project, no additional land and ash pond was required for the Stage-II Power Project (1x800 MW) and the ash pond of 100 acres for Stage-I is to be used for Stage-II Project also. The remaining area of 199.4 acres adjacent to the ash pond was to be developed as greenbelt.

4. It has been informed by you that the Unit-1:800 MW and Unit-2: 800 MW have been commissioned on 5.2.2015 and 24.8.2015, respectively. Further, Unit-3: 800 MW is under construction.

5. It has been noted that the Coal requirement for the plant (2x800 MW) is 13,500 Tons per Day (4.5 Million Metric Tons per Annum). Domestic coal and imported coal are used in the ratio of 70:30. Domestic coal is sourced from Talcher

Am. Gend.

Coalfields (M/s Mahanadi Coalfields Ltd.). Domestic coal is washed at a private washery in Odisha and then transported to the plant site to get the desired calorific value and Ash Content. Imported Coal is brought from Indonesia.

6. The ash generation from the Stage-I Power Plant (2x800 MW) is 4445 TPD (~14.6 Lakh Tons/Annum). The area of ash pond is 100 acres excluding the area occupied by the bund. The ash dyke with bund height of 5 m has been filled to its brim (upto 4.85 m). The total ash quantity of approximately 19.96 Lakh Tonnes has been pumped into the ash pond which has served only for 3.25 years due to low ash utilisation. It has been proposed to increase the bund height for another 10 m in two spells at 5 m in each spell. The ultimate height of the bund would be 15 m.

7. The ash pond was constructed in 100 acres out 299.40 acres proposed considering that the percentage of ash utilisation will increase. The ash could not be consumed fully. The ash utilisation is as follows:

Year	Generation (in Lakh MT)	Utilisation	% Utilisation	PLF (%)
2015-16	-	-	33.13	45.08
2016-17	14.53	5.57	38.39	61.42
2017-18	8.23	5.97	72.59	34.45
2018-19 (October, 2018)	7.40	4.31	58.18	49.5

8. To raise the bund height, Professors from IIT Delhi and IIT Madras have conducted detailed study and suggested that the existing pond requires soil improvement before raising of the pond and accordingly, the pumping of ash into the ash pond requires to be stopped for some time. To run the plant without interruption, a temporary diversion bund has been constructed adjacent to the existing ash pond. The total area of existing ash pond and temporary diversion bund is 299.40 acres. The temporary bund will be abandoned soon after strengthening and raising the dyke height of existing ash pond. Total project cost of Stage-I is Rs. 8432.14 Crores as per EC. Revised project cost is Rs.12,630 Crores. Cost of raising height of ash dyke and temporary diversion bund is Rs.56 Crores.

9. It has been informed that sea water is presently used for making ash slurry for disposal into the ash pond. However, desalination plant with capacity of 60 MLD is under construction and expected to be functional by March, 2019 so that only treated (desaline) water will be used in ash slurry making.

10. The greenbelt covering an area of 40 acres of plantation has been developed on three sides of existing ash pond and 20,000 nos. of saplings were brought to be planted in remaining 35 acres around diversion bund. It is expected that raising of dyke height of the existing ash pond will take six months' time. Subsequently, the temporary diversion bund will be abandoned.

11. The company has allotted 2 acres of land within plant premises was allotted for brick manufacturing by M/s Inpower Cement Corporation. The flyash quantity of 3000 TPD will be supplied to M/s Inpower Cement Corporation and the unit is

expected to commence operations by June, 2019. Further, 1500 TPD flyash will be supplied to the cement grinding unit with capacity of 1.5 MTPA by M/s Penna Cements Ltd. M/s NCL Altek & Seccolor Ltd., a brick manufacturing unit has been allocated 350 TPD. At present, orders were issued to lift flyash of 2500 TPD upto 31.3.2019. Further, road projects have been identified such as NH project near Tirupati. The company will provide 15 Lakh Tonnes of Flyash and 20 Lakh Tonnes of Bottom ash to M/s Montecarlo Ltd. for the highway project.

12. The Ministry's Regional Office has inspected the site on 5.10.2018 and submitted the report. As per the site visit report, the project authorities have started constructing the second ash pond without obtaining EC. A show-cause notice has been issued to M/s APPDCL on 24.4.2019. Based on the reply submitted by the Project Proponent vide their letter dated 13.5.2019, a personal hearing has been conducted in the Ministry on 25.6.2019.

13. The Civil Appeal No.4699/2014 before Hon'ble Supreme Court and Writ Petition No.239/2018 before Hon'ble High Court of Andhra Pradesh are pending regarding relocation of ash pond and construction of temporary diversion bund.

14. The proposal been considered by the EAC (Thermal Power) in its 24th meeting held on 23.1.2019. In acceptance of recommendations of EAC in its meeting held on 23.1.2019, in view of the justifications submitted by you in the personal hearing held on 25.6.2019, **the Ministry hereby withdraws the Show-Cause Notice Order dated 24.4.2019 and amends the Environmental Clearance dated 17.7.2007 and 2.7.2015 for carving out 30 acres of ash pond by creating a diversion bund in 149 acres area as an exigency and may use for dumping of flyash till the height of existing ash pond is increased from 5 m to 10 m, after obtaining NOC Andhra Pradesh Pollution Control Board** subject to following additional conditions:

- i. The greenbelt to be developed in 420 acres as per the commitment made in the Environment Management Plan in the Phase-II EIA shall be clearly demarcated and developed within a period of two years. The action plan shall clearly demarcate the area & land survey numbers, number of saplings to be planted, budget earmarked, number of persons engaged, maintenance work such as providing water and manure and time bound action plan, which is to be submitted to the Ministry, its regional office and APPCB within 3 months.
- ii. A bank guarantee of Rs.10 Crores is to be deposited with the Andhra Pradesh Pollution Control Board for developing greenbelt in an area of 420 acres within two years, failing which the amount will be forfeited to the APPCB. The APPCB shall conduct a site visit and submit the report on greenbelt development in 420 acres in this regard. The APPCB after submission of site visit report may directly forfeit the amount, in case the greenbelt is not satisfactorily developed.
- iii. A committee comprising of members from State Forest Department, State Biodiversity Board, State Wildlife Department and AP Pollution Control Board (Nodal Officer) shall be formed to plan, guide the selection of species & plan of development and to oversee the progress of the greenbelt. Expenditure towards quarterly meetings and functioning of the committee is

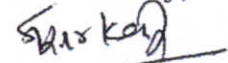


to be borne by M/s APPDCL (Proponent). The Committee has to submit the six monthly report on progress of the greenbelt to the Ministry and its Regional Office.

- iv. The temporary diversion bund with an area of 30 acres is to be carved out from second ash pond which was already constructed.
 - v. The remaining area (119 acres) as part of second ash pond shall be restored and thick greenbelt shall be developed. Subsequently, temporary diversion bund of 30 acres shall be abandoned as committed by the Project Proponent.
 - vi. Increasing the dyke height of existing ash pond from 5 m to 10 m is permitted.
 - vii. The greenbelt of 420 acres as part of the EIA/EMP is to be developed. In case, sufficient land is not available, it may be acquired at suitable location for developing greenbelt. Funds in this regard shall be allocated and the time bound action plan shall be submitted within 3 months.
 - viii. The unutilised ash in the domestic market shall be exported as the Krishnapatnam Port is located at 5 km from the power plant.
 - ix. A study on effect of flyash on surrounding agriculture fields shall be conducted by Acharya N.G. Ranga Agricultural University. Findings of the study along with report shall be submitted to the Ministry and its Regional Office within 6 months.
 - x. The desalination plant with capacity of 60 MLD under construction shall be operationalised within six months. Mixing of saline water with flyash for disposal into the ashpond shall not be permitted once desalination plant is commissioned to prevent saline water intrusion into the groundwater.
 - xi. Any directions issued by the State Pollution Control Board w.r.t submission of bank guarantee, etc shall be complied.
 - xii. The permission is subject to the outcome of Civil Appeal No.4699/2014 which is pending before Hon'ble Supreme Court.
15. All other conditions mentioned in this Ministry's letters dated 17.7.2007, 3.5.2012, 10.6.2013 and 2.7.2015 shall remain the same, as applicable.

This issues with the approval of the Competent Authority.

Yours faithfully,



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

Copy to:-


1. The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001.
2. The Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
3. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032.
4. The Deputy Director General of Forests (C), Ministry of Environment Forests and Climate Change, Regional Office, (SEZ), Ist and IInd Floor, Handloom



- Export Promotion Council, 34, Cathedral Garden Road, Nungambakkam, Chennai-600034.
5. The Principal Secretary Environment, Science and Technology, Government of Andhra Pradesh, Secretariat Office, 4th Block, Ground Floor, Room no.187, Velagapudi, Amaravathi-522238, Andhra Pradesh.
 6. The Chairman, Andhra Pradesh State Pollution Control Board, D.No. 33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamvari Street, Kasturibaipet, Vijayawada - 520008. - **with a request to follow up on para 14(ii) regarding bank guarantee and compliance on greenbelt development.**
 7. The Principal Chief Conservator of Forests (HoFF), AP Forest Department, Aranya Bhavan, K.M. Munshi Road, Nagarampalem, Guntur-522004, Andhra Pradesh- **with a request to nominate members from Forest and Wildlife Departments to the committee as per para 14(iii).**
 8. The Chairman, Andhra Pradesh State Biodiversity Board, Flat No. 209,308 and 311, Walnut Block, Raintree Park, Nagarjuna Nagar, Opp. Nagarjuna University, NH-5, Guntur District, Andhra Pradesh - 522510 - **with a request to nominate members from Forest and Wildlife Departments to the committee as per para 14(iii).**
 9. The District Collector, SPSR Nellore District, Govt. of Andhra Pradesh, Achari Street, Nellore, Andhra Pradesh-524001.
 10. Guard file/Monitoring file.
 11. Website of MoEF&CC.

/

Director, IA.I





No. J-13012/25/2012-IA.II(T)
Government of India
Ministry of Environment, Forest and Climate Change

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

Dated: 27.02.2020

To,

The Chief General Manager
Andhra Pradesh State Pollution Control Board (APPCB)
D.No. 33-26-14 D/2, Near Sunrise Hospital,
Pushpa Hotel Centre, Chalamavari Street,
Kasturibaipet, Vijayawada - 520 008.

Contact: 08662526201; E-mail: environment.apgenco@gmail.com.

Sub: 2x800 (Phase-I) MW Sri Damodaram Sanjeevaiah Thermal Power Project at Nelaturu Village, Muthukuru Mandal, SPSR Nellore District, Andhra Pradesh by M/s Andhra Pradesh Power Development Corporation Ltd.-reg. amendment in EC for ash pond

Sir,

The undersigned is directed to refer your online application No. **IA/AP/THE/114419/2007 dated 13.8.2019** for amendment in EC dated 17.7.2007 for seeking permission to use additional ash pond of 70 acres for disposing unutilized ash pond.

2. It has been noted that the Environmental Clearance (EC) for establishing 2x800 MW (Stage-I) Supercritical Thermal Power Plant has been issued vide Ministry's letter dated 17.7.2007. Further, an amendment in the said EC for shifting of ash pond from the plant premises to outside the plant boundary has been accorded vide Ministry's letter dated 3.5.2012. It was permitted to use 100 acres of ash pond as per the Environmental Clearance for Stage-I. Further, the validity of EC dated 17.7.2007 has been extended for a period of five years, i.e. till 16.7.2017 vide Ministry's letter dated 10.6.2013.

3. Further, Ministry vide letter dated 3.9.2019 has permitted to use 30 acres of temporary diversion bund to dispose unutilized flyash while raising work of existing ash dyke height from 5 m to 10 m is in progress.

4. It has been informed that the dyke height of the temporary diversion bund has been restricted to 2m by Andhra Pradesh Pollution Control Board. The capacity of temporary diversion bund will be about 2.40 lakh Cum which will cater the needs of the plant for period of only 4 months with existing ash disposal @ 1950 cum/day i.e. up to Sept'2019. Accordingly, it is necessary to use remaining 70 acres as additional ash disposal pond to cater to the unutilised ash and to avoid stopping the power plant.

5. It has been informed that for raising of existing ash pond bund, studies have been conducted by Professors from IIT/Delhi and IIT/Chennai and both the professors opined that existing bund needs soil improvement measures and that operation of the pond has to be halted briefly and requires temporary diversion during the construction period to avoid interruption for power generation.

6. It has been informed that despite putting best efforts, the project could achieve maximum of 75% ash utilisation in 2017-18, 65% during 2018-19 and 36% during 2019-20 (till July). The overall utilisation is 53% in the last 4 years. The work of raising ash dyke has been awarded on 19.9.2019 and work will commence shortly.

7. The proposal been considered by the EAC (Thermal Power) in its 32nd meeting held on 23.8.2019. The EAC (Thermal Power) in its meeting held on 23.8.2019 did not recommend for using additional ash pond in an area of 70 acres. However, the Committee advised that the Ministry may take a separate call for permitting use of 70 acres based on the recent notification of the Ministry, i.e. permitting mine voids for disposal of flyash by the owners of Thermal Power Plants

8. Project Proponent vide letter dated 25.9.2019 submitted that only 2500 MT/day out of total generation is 4600 MT/day is being utilized in various purposes such as cement and brick manufacturing. It was also mentioned that agreements were made with M/s Inpower Cement Corporation Ltd. for 3000 MT/day for exporting ash and the plant is under construction which is expected to start lifting ash by March, 2020. Another agreement of 1500 MT/day was made with M/s Penna Cements Industries Ltd. who have just established the cement grinding unit. Further, agreement of 350 MT/day was made with M/s NCL Altek & Seccolor Ltd. for brick manufacturing. It has been assured that if all the utilization options are made functional, 100% flyash utilization would be achieved. It was also informed that there are no mines available in the vicinity of the project. As an interim and emergency arrangement, the ash pond of 70 acres was requested for disposing unutilized ash. The utilization percentage is expected to scale up by March, 2020 as the ash will be lifted as per the agreements by that time.

9. The matter has been examined by the Ministry. In view of the EAC recommendations in its meeting held on 23.8.2019 and in view of the information/clarifications and documents submitted by you with regard to the above-mentioned project proposal, **the Ministry hereby permits to use of additional area of 30 acres for disposal of ash** with following additional conditions for compliance:

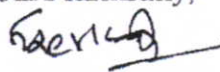
- i. The area 30 acres which was permitted for disposal of ash vide Ministry's letter dated 3.9.2019 was restricted to 3 m height by Andhra Pradesh Pollution Control Board (APPCB) due to proximity of Devaradibba Girijana colony at 150 m from the ash pond area and keeping the safety of village due to adverse impacts, if any. This area is to be reclaimed with sweet soil with thickness of at least 30 cm and develop greenbelt after reaching its full capacity as per the APPCB NOC dated 25.4.2019. The time bound action plan with financial allocations for reclamation is to be submitted to the Ministry within three months.
- ii. The report of flyash generation and utilisation as per the Flyash Notification shall also be submitted to Ministry and its Regional Office. Copy of agreements made for flyash and bottom ash utilisation shall also be submitted.
- iii. At least 50 m width of greenbelt around the periphery of existing ash pond of 100 acres and diversion bund of 30 acres. The time bound action plan along with financial allocation shall be submitted to the Ministry within 3 months.
- iv. Explore alternate options for importing the ash, if it is not utilised in the nearby area as the Krishnapatnam port facilities are available nearby for exporting.

10. The proposal will be referred to the EAC for re-examination of avenues available for ash utilization, export, and nature and land use of proposed ash pond, alternate sites, compliance to the commitments made to achieve 100% utilization by March, 2020 as per various agreements made with ash utilizing units. The compliance/information in this regard is to be submitted to the Ministry for consideration by the EAC.

11. All other conditions mentioned in this Ministry's letters dated 17.7.2007, 3.5.2012, 10.6.2013, 2.7.2015 and 3.9.2019 shall remain the same, as applicable.

This issues with the approval of the Competent Authority.

Yours faithfully,


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

Copy to:-

1. The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001.
2. The Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
3. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032.
4. The Deputy Director General of Forests (C), Ministry of Environment Forests and Climate Change, Regional Office, (SEZ), 1st and 2nd Floor, Handloom Export Promotion Council, 34 Cathedral Garden Road, Nungambakkam, Chennai-600034.
5. The Principal Secretary, Environment, Science and Technology, Government of Andhra Pradesh, Secretariat Office, 4th Block, Ground Floor, Room no.187, Velagapudi, Amaravathi-522238, Andhra Pradesh.
6. The Chairman, Andhra Pradesh State Pollution Control Board, D.No. 33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamvari Street, Kasturibaipet, Vijayawada - 520 008.
7. The District Collector, SPSR Nellore District, Govt. of Andhra Pradesh, Achari Street, Nellore, Andhra Pradesh-524001.
8. Guard file/Monitoring file.
9. Website of MoEF&CC.


Director (IA.I)





No. J-13011/20/2007-IA.II(T) pt.
Government of India
Ministry of Environment, Forest and Climate Change

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

Dated: 24.04.2019

OFFICE ORDER

Sub: 2x800 MW Sri Damodaram Sanjeevaiah Thermal Power Project at Nelaturu Village, Muthukuru Mandal, SPSR Nellore District, Andhra Pradesh by M/s Andhra Pradesh Power Development Corporation Ltd.- reg. reg. Show-cause Notice under E(P) Act, 1986.

WHEREAS, the Environmental Clearance has been issued for establishing 2x800 MW (Stage-I) Supercritical Thermal Power Plant vide Ministry's letter dated 17.7.2007.

2. WHEREAS, an amendment in EC for shifting of ash pond from the plant premises to outside the plant boundary has been accorded on 3.5.2012 and only 100 acres of ash pond was permitted as per Environmental Clearance for Stage-I.

3. WHEREAS, the Environmental Clearance for establishing 1x800 MW (Stage-II) Supercritical Thermal Power Plant within the premises of Stage-I Power Project has been issued vide Ministry's letter dated 2.7.2015.

4. WHEREAS, no additional land and ash pond was required for the Stage-II Power Project (1x800 MW) and the ash pond of 100 acres for Stage-I is to be used for Stage-II Project also. The remaining area of 199.4 acres adjacent to the ash pond was to be developed as greenbelt.

5. WHEREAS, the Unit-1:800 MW and Unit-2: 800 MW have been commissioned on 5.2.2015 and 24.8.2015, respectively and Unit-3: 800 MW is under construction.

6. WHEREAS, the ash generation from the Stage-I Power Plant (2x800 MW) is 4445 Tons per Day (TPD) (~14.6 Lakh Tons/Annum).

7. WHEREAS, the ash dyke with bund height of 5 m has been filled to its brim (upto 4.85 m) and the ash quantity of approximately 19.96 Lakh Tonnes has been pumped into the ash pond (100 acres) which has served only for 3.25 years due to low ash utilisation.

8. WHEREAS, a proposal for amendment in Environmental Clearance has been received to increase height of the bund for another 10 m in two spells at 5 m in each spell for existing ash pond of 100 acres.

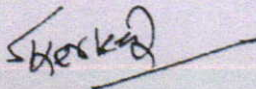
9. WHEREAS, it has been informed by you that a temporary diversion bund in area of 149 acres has been constructed adjacent to the existing ash pond to run the plant without interruption while raising the height of the existing ash dyke.

10. WHEREAS, it has been informed that the raising of existing ash dyke will take six months' time and the temporary diversion bund will be subsequently abandoned.

[Handwritten Signature]
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11. WHEREAS, the Andhra Pradesh Pollution Control Board (APPCB) vide inspection reports dated 16.12.2017, 5.6.2018, 4.8.2018 & 28.7.2018 mentioned that project authorities have started construction of ash pond-2 in 149 acres which was claimed as temporary diversion bund and a temporary measure to facilitate strengthening of existing ash pond.
12. WHEREAS, the APPCB vide their letter dated 24.9.2018 directed Project Authorities to obtain permission from MoEF&CC before proceeding further in respect of the ash pond.
13. WHEREAS, the Ministry's Regional Office has inspected the site on 5.10.2018 and the site inspection report stated that the project authorities are constructing the second ash pond without obtaining Environmental Clearance and sea water is used instead of de-saline water in the ash pond. It was mentioned that the construction work of ash pond was in progress despite directions from the Member Secretary, APPCB.
14. WHEREAS, the proposal for raising height of existing ash dyke along with use of temporary diversion bund has been appraised by the Expert Appraisal Committee (Thermal Power Projects) in the Ministry on 23.1.2019 and the Committee recommended that a separate action may be taken by the Ministry for constructing second ash pond in an area of 149 acres without prior approval from the Ministry.
15. WHEREAS, the matter has been examined in the Ministry and the cognizance of construction of ash pond in an area of 149 acres in place of area to be developed under greenbelt without prior permission from the Ministry, has been taken.
16. **NOW, THEREFORE, in exercise of the powers conferred under Section-5 of the Environment (Protection) Act, 1986, you are hereby directed to Show Cause within 15 days of receipt of this notice as to why the EC accorded to M/s Andhra Pradesh Power Development Company Ltd. vide letter No. J-13011/23/2007-IA.II(T) dated 17.07.2007 shall not be kept in abeyance.** In your response, it may also be clearly stated whether a hearing is required by the project proponent before a final order is passed by this Ministry. It may also be noted that if no response is received within **15 days**, appropriate orders as may be deemed fit will be passed and issued under the circumstances of the case without any further notice to you. Also, this Show-Cause is without prejudice to any other legal action which may be taken against you.

This issues with the approval of the Competent Authority.

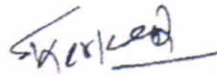

(Dr. S. Kerketta)
Director (IA.I)

The Chief General Manager

M/s Andhra Pradesh Power Generation Corporation Ltd.
Plot No.29, Road No.1, Central Excise Colony,
Vijayawada-520008, Andhra Pradesh.

Copy to:-

1. The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001.
2. The Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
3. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032.
4. The Additional Director General of Forests (C), Ministry of Environment Forests and Climate Change, Regional Office, (SEZ), Ist and IInd Floor, Handloom Export Promotion Council, 34 Cathedral Garden Road, Nungambakkam, Chennai-600034.
5. The Principal Secretary, Environment, Science and Technology, Government of Andhra Pradesh, Secretariat Office, 4th Block, Ground Floor, Room no.187, Velagapudi, Amaravathi-522238, Andhra Pradesh.
6. The Chairman, Andhra Pradesh State Pollution Control Board (APPCB), D.No. 33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamavari Street, Kasturibaipet, Vijayawada - 520 008.
7. The District Collector, SPSR Nellore District, Govt. of Andhra Pradesh, Achari Street, Nellore, Andhra Pradesh-524001.
8. Guard file/Monitoring file.
9. Website of MoEF&CC.


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



BY SPEED POST



J 13012/02/2009-IA.II(T)
Government of India
Ministry of Environment & Forests

Paryavaran Bhawan
CGO Complex, Lodi Road
New Delhi-110 003
Dated: November 04, 2009

To ✓
M/s Thermal Powertech Corporation (India) Ltd.
G-103, Srinivasa Towers,
Begumpet
Hyderabad – 500 016.

Sub: 3x660 MW (Stage-I: 2x660 MW; and Stage-II: 1x660 MW) Super Critical Coal Based Thermal Power Plant at village painampuram, in Muthukur Mandal, in Nellore Distt., in Andhra Pradesh - reg. Environmental Clearance.

Sir,

The undersigned is directed to refer to your letter no. TPCIL/EC/2009, dated 11.08.2009 on the subject mentioned above. The Ministry of Environment & Forests has examined the application.

2. It has been noted that the proposal is for setting up of 3x660 MW Coal Based Supercritical TPP in two stages viz. Phase-I: 2x660 MW and Phase-II: 1x660 MW). Land required will be 1367 Acres. Beneficiated Indian and imported coal will be used in the ratio of 70:30. Coal linkage from Mahanadi Coal Fields has been obtained. Imported coal will be transported from Krishnapatnam Port by conveyor belt. The blended coal will have about 26% Ash content and Sulphur content of 0.59%. Sea water from the Bay of Bengal will be used for operation of the plant. Water requirement will be 334464 cum/day. Stack height will be 275 m (Bi-Flue) for Stage-I and 275 m (single Flue for Stage-II). Total Coal required will be 6.90 MTPA. Ash pond area will be 210 Acres. Buckingham Canal is at a distance of 100 m in the western side of the plant boundary. A creek is located 150 m away from the boundary of the plant in the southern side. There are no national parks, wildlife sanctuaries, bio-sphere, tiger, elephant reserves, heritage sites etc. within 10 km of the plant boundary. The project does not attract the provisions of CRZ regulations. Permitted activities has been carried out in CRZ area. Public hearing was held on 07.08.2009. Total Cost of the project will be Rs 10,153 Crores.

3. The project has been considered in accordance with the provisions of the EIA notification issued by the Ministry of Environment & Forests vide S.O. 1533 (E), dated September 14, 2006.

4. Based on the information submitted by you, as at Para 2 above and others, the Ministry of Environment and Forests hereby accords environmental clearance to the above project under the provisions of EIA notification dated September 14, 2006, subject to the compliance of the following conditions:

- (i) Status of implementation of 100 % utilization of Fly Ash generated shall be submitted to the Ministry within six months of operation of the plant.

- (ii) Stack(s) of 275 m height (Bi-Flue for Stage-I and Single Flue for Stage-II) shall be provided with continuous online monitoring equipments for SO_x, NO_x and PM. Exit velocity of flue gases shall not be less than 25 m/sec. Mercury emissions from stack shall also be monitored on periodic basis.
- (iii) Possibility for installation of combined intake with neighbouring Power plants shall be examined and in the event of non-feasibility adequate justification shall be submitted within a period of six months.
- (iv) High Efficiency Electrostatic Precipitators (ESPs) shall be installed to ensure that particulate emission does not exceed 50 mg/Nm³.
- (v) 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.
- (vi) Fly ash shall be collected in dry form and storage facility (silos) shall be provided (as applicable). 100% fly ash utilization shall be ensured from 4th year onwards. Unutilized fly ash shall be disposed off in the ash pond in the form of slurry form. 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. No ash shall be disposed off in low lying area.
- (vii) Ash pond shall be lined with HDP/LDP lining. Adequate safety measures shall also be implemented to protect the ash dyke from getting breached.
- (viii) Closed cycle cooling system with natural draft cooling towers shall be provided. The Effluents shall be treated as per the prescribed norms.
- (ix) No ground water shall be extracted for the project work at any stage.
- (x) Hydro-geological study of the area shall be reviewed annually and results submitted to the Ministry and concerned agency in the State Govt. In case adverse impact on ground water quality and quantity is observed, immediate mitigating steps to contain any adverse impact on ground water shall be undertaken.
- (xi) Minimum required environmental flow suggested by the Competent Authority of the State Govt. shall be maintained in the Channel/ rivers even in lean season.
- (xii) The treated effluents conforming to the prescribed standards should be only discharged. Arrangements shall be made that effluents and storm water do not get mixed.
- (xiii) A sewage treatment plant shall be provided and the treated sewage shall be used for raising greenbelt/plantation.
- (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.
- (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 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.

- (xvi) Storage facilities for auxiliary liquid fuel such as LDO and/ HFO/LSHS shall be made in the plant area in consultation with Department of Explosives, Nagpur. 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 due to storage of oil.
- (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. The data so obtained should be compared with the baseline data so as to ensure that the ground water quality is not adversely affected due to the project.
- (xviii) Shelter Belt consisting of 3 tiers of plantations around the plant of 100 m width and adequate tree density shall be developed.
- (xix) First Aid and sanitation arrangements shall be made for the drivers and other contract workers during construction phase.
- (xx) 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.
- (xxi) Regular monitoring of ground level concentration of SO₂, NO_x, RSPM and Hg 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.
- (xxii) A good action plan for R&R (if applicable) with package for the project affected persons be submitted and implemented as per prevalent R&R policy within three months from the date of issue of this letter.
- (xxiii) An amount of Rs 32.0 Crores shall be earmarked as one time capital cost for CSR programme. Subsequently a recurring expenditure of Rs 6.4 Crores per annum shall be earmarked as recurring expenditure for CSR activities. Details of the activities to be undertaken shall be submitted within one month along with road map for implementation.
- (xxiv) As part of CSR programme the company shall conduct need based assessment for the nearby villages to study economic measures with action plan which can help in upliftment of poor section of society. Income generating projects consistent with the traditional skills of the people besides development of fodder farm, fruit bearing orchards, vocational training etc. can form a part of such programme. Company shall provide separate budget for community development activities and income generating programmes. This will be in addition to vocational training for individuals imparted to take up self employment and jobs.



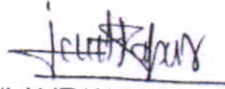
- (xxv) Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
- (xxvi) 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>.
- (xxvii) 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.
- (xxviii) A dedicated Environment management Cell with suitable qualified personnel shall be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
- (xxix) 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, SO₂, NO_x (ambient levels as well as stack emissions) shall be displayed at a convenient location near the main gate of the company in the public domain.
- (xxx) The project proponent shall also submit six monthly reports on the status of 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.
- (xxxi) The environment statement for each financial year ending 31st 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 EC conditions and shall also be sent to the respective Regional Offices of the Ministry by e-mail.
- (xxxii) The project proponent shall submit six monthly reports on the status of the implementation of the stipulated environmental safeguards to the Ministry of Environment and Forests, its Regional Office, Central Pollution Control Board and State Pollution Control Board. The project proponent shall upload the status of compliance of the environment of the environmental clearance conditions on their website and update the same periodically and simultaneously send the same by e-mail to the Regional Office, Ministry of Environment and Forests.



- (xxxiii) Regional Office of the Ministry of Environment & Forests will monitor the implementation of the stipulated conditions. 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. 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 including NOx (from stack & ambient air) shall be displayed at the main gate of the power plant.
- (xxxiv) 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.
- (xxxv) 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 dates of start of land development work and commissioning of plant.
- (xxxvi) Full cooperation shall be extended to the Scientists/Officers from the Ministry / Regional Office of the Ministry at Bangalore / CPCB/ SPCB who would be monitoring the compliance of environmental status.
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. The Ministry may also impose additional environmental conditions or modify the existing ones, if necessary.
5. The environmental clearance accorded shall be valid for a period of 5 years to start operations by the power plant.
6. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.
7. 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.
8. The above stipulations would 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 rules there under, Hazardous Wastes (Management and Handling) Rules, 1989 and its amendments, the Public Liability Insurance Act, 1991 and its amendments.
9. Any appeal against this environmental clearance shall lie with the National Environment Appellate Authority, if preferred, within 30 days as prescribed under Section 11 of the National Environment Appellate Act, 1997.



Yours faithfully,


(LALIT KAPUR)
DIRECTOR

Copy to:

1. The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001.
2. The Secretary (Environment), Forests and Environment Department Government of Andhra Pradesh.
3. The Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
4. The Chairman, Andhra Pradesh State Pollution Control Board, Paryavarana Bhawan, A-3, Industrial Estate, Sanath Nagar, Hyderabad -500 018.
5. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi- 110032.
6. The Chief Conservator of Forests, Regional Office (SZ), Kendriya Sadan, 4th Floor E&F Wings 17th Main Road, 1 Block , Koranmangala, Bangalore -560 034.
7. The District Collector, Nellore District, Govt. of Andhra Pradesh.
8. The Director (EI), MOEF.
9. Guard file.
10. Monitoring file.

—
(LALIT KAPUR)
DIRECTOR





No. J-13012/2/2009-IA.I (T)
Government of India
Ministry of Environment, Forests and Climate Change

Annexure R-8

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

Dated: 02.03.2015

To

M/s Thermal Powertech Corporation (India) Ltd.
6-3-1090, 5th Floor,
A- Block, TSR Towers,
Rajbhavan Road, Somajiguda,
Hyderabad- 500082.

Tel No.040-49048300/23310350 Fax: 040-23370360

Sub: 3x660 MW (Stage-I: 2x660 MW; and Stage-II: 1x660 MW) Super Critical Coal Based TPP at Village Painampuram, in Muthukur Mandal, in Nellore Distt., in Andhra Pradesh by M/s Thermal Powertech Corporation (India) Ltd.- reg. Extension of validity of EC.

Sir,

This has reference to your letter dated 04.09.2014 on the above subject.

2. The matter was placed before the EAC (Thermal Power) in its 24th Meeting held during 30th & 31st October, 2014. In acceptance of the recommendation of the EAC and in view of the information/clarification furnished by you with respect to the implementation of the above mentioned power project, the validity of the EC issued by this Ministry's letter of even no. dated 04.11.2009 is extended for a period of **one year i.e. till 03.11.2015** to start the production operations by the power plant.

3. Further, under Para no.4 of the said EC dated 04.11.2009, after the condition no. (xxxvi), the following conditions shall be added:


- xxxvii) Harnessing solar power within the premises of the plant particularly at available rooftops shall be carried out and status of implementation including actual generation of solar power shall be submitted along with half-yearly monitoring report.
- xxxviii) A long term study of radio activity and heavy metals contents on coal to be used shall be carried out through a reputed institute and results thereof analyzed every two year and reported along with monitoring reports. 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.
- xxxix) Fugitive emissions shall be controlled to prevent impact on agricultural or non-agricultural land.
- xl) Space for FGD shall be provided for future installation as may be required.

Page 1 of 3

3/3

- xli) 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.
 - xlii) 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.
 - xliii) Green belt shall also be developed around the Ash Pond over and above the Green Belt around the plant boundary.
 - xliv) 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.
 - xlv) For proper and periodic monitoring of CSR activities, a CSR committee or a 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.
 - xlvj) An Environmental 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.
 - xlvii) 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.
4. All other conditions mentioned in this Ministry's letter of even no. dated 04.11.2009 shall remain the same.
5. This issues with the approval of the Competent Authority.

Yours faithfully,


(Dr. M. Ramesh)
Scientist 'D'

Copy to:

1. The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001.
2. The Secretary, (Environment), Forests and Environment Department Government of Andhra Pradesh.



3. The Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
4. The Chairman, Andhra Pradesh State Pollution Control Board, Paryavaran Bhawan, A-3 Industrial Estate, Sanath Nagar, Hyderabad- 500 018.
5. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi- 110032.
6. The Additional PCCF (Central), Regional Office, Ministry of Environment, Forests and Climate Change, 1st & 2nd Floors, HEPC Building, 34, Cathedral Garden Road, Nungambakkam, Chennai- 600034.
7. The District Collector, Nellore District, Govt. of Andhra Pradesh.
8. Guard file.

Ramesh
(Dr. M. Ramesh)
Scientist 'D'

Guard



No. J-13012/2/2009-IA.I (T)
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: 09.10.2019

OFFICE ORDER

Sub: 2x660 MW (Stage-I) Super Critical Coal Based TPP at Village Painampuram & Nelaturu, in Muthukur Mandal, in SPSR Nellore Distt., in Andhra Pradesh by M/s Thermal Powertech Corporation (India) Ltd.-reg. Transfer of EC

The undersigned is directed to refer the online application No. **IA/AP/THE/10458/2009** submitted by M/s Sembcorp Energy India Ltd. for transferring the Environmental Clearance dated 4.11.2009.

2. The Environmental Clearance for establishing 3x660 MW Thermal Power Project in Nellore District near Krishnapatnam Port has been issued to M/s Thermal Powertech Corporation (India) Ltd. vide Ministry's letter dated 4.11.2009 and valid for 5 years (till 3.11.2014). The EC validity was extended for another year (till 3.11.2015) vide Ministry's letter dated 2.3.2015. As the EC was valid on the date of EIA Amendment Notification (29.4.2015) which changed the validity of EC from 5 to 7 years, the validity of this EC has also become seven years (till 3.11.2016).

3. It has been noted that the first two units (2x660 MW) were commissioned and in operation since March, 2015 and September, 2015, respectively. Since the third unit is in the design stage and proposed to be implemented in future, M/s Thermal Powertech Corporation (India) Ltd. vide online application dated 27.10.2016 applied for extension of validity of EC for further period of 05 years. The EAC (Thermal Power) in its meeting held on 20.1.2017, recommended for extension of validity of EC for a period of two years (till 3.11.2018) subject to submission of certified compliance report from Regional Office and details of coal linkage from Ms/ MCL and Power Purchase Agreement (PPA). The Ministry vide letter dated 6.3.2017 communicated to M/s Thermal Powertech Corporation (India) Ltd. to submit the additional information sought by the EAC. However, M/s Thermal Powertech Corporation (India) Ltd. has not responded to the Ministry's letter even after 6 months. As the additional information was pending for more than 06 months, the proposal was de-listed from the pendency with the approval of Competent Authority.

4. In the present application, M/s Sembcorp Energy India Limited vide their online application sought transfer of EC to their name. It is mentioned that the company name has been changed from M/s Thermal Powertech Corporation (India) Ltd. to M/s Sembcorp Energy India Limited and this does not affect any rights and obligations of the company and company remains to be same entity for all practical purposes with same rights, privileges and liabilities as before.

5. The pattern of Shareholding of the company asset between M/s Thermal Powertech Corporation (India) Ltd. and M/s Sembcorp Energy India Ltd. from the date of EC till date.

[Handwritten Signature]

OTC
Issued
14/10/2019

Details	Date	% of shareholding	
		Parent Company:	Parent Company:
		M/s Gayatri Energy Ventures Pvt. Ltd.	M/s Sembcorp Utilities Pte Ltd.
		Subsidiary Company: M/s Thermal Powertech Corporation (India) Ltd.	Subsidiary Company: M/s Sembcorp Energy India Limited
EC issued	4.11.2009	100%	Nil
Current shareholding pattern	11.3.2019	6.27%	93.73%

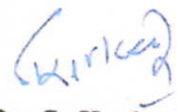
6. The Registrar of the Companies has issued the certificate under Companies (Incorporation) Rules, 2014 for changing the name of the company from M/s Thermal Power tech Corporation India Limited to M/s Sembcorp Energy India Limited vide dated 20.2.2018.

7. It has been noted that the construction of unit-3 (660 MW) has not been commenced and established till date, the validity of EC has not been extended beyond 7 years (beyond 3.11.2016), the EC transfer/name change is applicable only for two units (2x660 MW) which are currently under operation.

8. The Ministry has examined the application. In view of the information/clarification furnished by you, and as per the para 11 of EIA Notification, 2006, **the Ministry hereby transfers the Environmental Clearance dated 4.11.2009 and its validity extension letter dated 2.3.2015 in favour of M/s Sembcorp Energy India Ltd. subject to the following additional conditions:**

- The Environmental Clearance is valid only for 2x660 MW (Stage-I).
 - Revised emission standards (PM: 50 mg/Nm³; SO₂: 200 mg/Nm³; NO_x: 300 mg/Nm³; Mercury: 0.03 mg/Nm³) and the specific water consumption as per the Ministry's notification dated 07.12.2015, 28.6.2018 and subsequent amendments notified from time to time shall be complied with.
9. All other conditions mentioned in this Ministry's EC letter dated 4.11.2009 and validity extension letter dated 2.3.2015 shall remain same, as applicable.

This issues with the approval of the Competent Authority.


(Dr. S. Kerketta)
Director, I.A.I

M/s Sembcorp Energy India Ltd.
(Formerly Thermal Powertech Corporation India Ltd)
Pyanampuram / Nelaturu Village
Muthukur Mandal, SPSR Nellore-524344.

Copy to:-

- The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001.
- The Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
- The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032.

4. The Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Regional Office (SEZ), Ist and IInd Floor, Handloom Export Promotion Council, 34, Cathedral Garden Road, Nungambakkam, Chennai - 34.
5. The Principal Secretary, Environment, Science and Technology, Government of Andhra Pradesh, Secretariat Office, 4th Block, Ground Floor, Room no.187, Velagapudi, Amaravathi-522238, Andhra Pradesh.
6. The Chairman, Andhra Pradesh State Pollution Control Board, D.No. 33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamvari Street, Kasturibaipet, Vijayawada - 520008.
7. The District Collector, SPSR Nellore District, Govt. of Andhra Pradesh, Achari Street, Nellore, Andhra Pradesh-524001.
8. Guard file/Monitoring File.
9. Website of MoEF&CC.

(Perken)
9/10/2019

Director, IA. I

(Signature)

F. No. L-11011/07/2021-IA-I (T)
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhavan,
 2nd Floor, Vayu Wing,
 Aliganj, Jor Bag Road,
 New Delhi-110 003

Dated: 04th August, 2022

Sub.: Show Cause Notice under Section 5 of the Environment (Protection) Act, 1986- to M/s Sri Damodaram Sanjeevaiah Thermal Power Plant operated by Andhra Pradesh Power Development Corporation Ltd. on account of non-compliances of environmental conditions.

Whereas, the Ministry accorded Environmental Clearance for **Sri Damodaram Sanjeevaiah Thermal Power Plant** vide letter no. **J-13011/20/2007-IA** on **17.07.2007** for setting up 1600 MW thermal power plant near Krishnapatnam, District Nellore, Andhra Pradesh and the amendments were granted vide letter no. **J-13011/20/2007-IA.II (T) dated 10.06.2013, J-13012/25/2012-IA.II (T) dated 02.07.2015, J-13011/20/2007-IA.II (T) pt. dated 03.09.2019, J-13011/25/2012-IA.II (T) dated 27.02.2020**, subject to implementation of the various conditions and environmental safeguards contained therein.

Whereas, OA No. 105 of 2021 was filed before the Hon'ble NGT (SZ), Chennai on the ground that the discharge of toxic effluents, chemicals, dumping of tonnes of fly ash and dumping of waste into Chinna Cheruvu & Pedda Cheruvu agricultural lands has caused water contamination and air pollution in the residential localities and no steps were taken for green belt development. It has also been alleged that environmental impact assessment study, in order to assess the present environmental conditions and likely impact of the thermal power plants on air, land, water, was not conducted properly. Further, the applicant has raised environmental concerns with regard to loss of marine ecology, lack of definite plan to dispose of the utilized ash in the ash pond and non-implementation of environment management plan to mitigate the impacts due to establishment of power plant.

Whereas, the Hon'ble National Green Tribunal (NGT) Southern Bench, Chennai vide order dated 16.09.2021 (copy enclosed) had constituted Joint Committee in **O.A. of 105 of 2021** of NGT (SZ). The members of the Committee as per para 12 of the said order are as follows:

1. The District Collector, Nellore District;
2. Sr. Officer, MoEF&CC, GoI, Integrated Regional Office, Vijayawada;
3. Sr. Officer from Central Pollution Control Board, Regional Office, Chennai;
4. Sr. Officer/Scientist from Acharya N.G. Ranga Agricultural University (ANGRAU), Andhra Pradesh;
5. Senior Officer from Andhra Pradesh Pollution Control Board (APPCB) as deputed by its Chairman

Whereas, the Joint Committee conducted the site visit and filed its report before the Hon'ble Tribunal on 22.03.2022. As per the findings of the Joint Committee Report (copy enclosed) it is observed that you have committed substantial non-compliances of the environmental conditions of the EC. The major non-compliances observed are:

[Handwritten Signature]

Contd....

[Handwritten Signature]

724450/2022/IA_I

- i. The unit is using 100% Indian coal with ash content of about 30 % and Sulphur content of about 0.3%
- ii. non-utilization of 100% fly ash & bottom ash,
- iii. inadequate measures taken for controlling fugitive emissions from coal storage yard and Ash pond,
- iv. poor operation, maintenance & calibration of CAAQM stations and on line monitoring system installed to monitor the effluent & emissions: As per the conditions of CTO the unit is required to operate 4 CAAQM stations to monitor Ambient Air Quality, out 4 stations two stations were found not working and two stations found partially working,
- v. Inadequate green development around the plant,
- vi. Online monitoring system installed found not in operation since one year,
- vii. The accumulation of TDS due to using sea water for making ash slurry till March, 2021. In spite of using sweet water for making ash slurry accumulated TDS contributing to ash pond seepage water, and
- viii. Discharging untreated effluent through storm drain which is passing inside the premises. Discharge of seepage water was observed into the storm water drain. From the storm water drain it is joining the nearby canal which is being used for aqua culture farming.

Whereas, after considering the findings of the Joint Committee Report, the matter was examined in the Ministry and non-compliances of following conditions of environmental clearance were observed:

- a. The Indian washed coal and imported coal shall be blended in the ratio of 70% and 30%. The blended coal to be used as fuel shall have sulphur content not exceeding 0.62% and ash content not exceeding 28.3%. *(Condition no. iii, page no. 2 of the EC dated 17.07.2007 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)*
- b. Fly Ash shall be collected in Silos in dry form and bottom ash in hydro bins and its 100% utilization shall be ensured from the day of commissioning of the plant. In emergency, the unutilized fly ash/ bottom ash shall be disposed of at the proposed ash disposal site through HCS system. *(Condition no. xii, page no. 2 of the EC dated 17.07.2007 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)*
- c. Utilization of 100% Fly Ash generated shall be made from 4th year of operation. Status of implementation shall be reported to the Regional Office of the Ministry from time to time. *(General Condition no. ix, page no. 6 of the EC dated 02.07.2015 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)*
- d. For controlling fugitive dust, regular sprinkling of water in the coal handling area and other vulnerable areas of the plant shall be ensured. *(Condition no. xvii, page no. 3 of the EC dated 17.07.2007 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)*
- e. High Efficiency Electrostatic Precipitators (ESPs) shall be installed to ensure that particulate emission does not exceed 50 mg/Nm³. 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. *(Specific Condition no. xi, page no. 3 of the EC dated 02.07.2015 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)*
- f. Fugitive emission of fly ash (dry or wet) shall be controlled such that no agricultural or non-agricultural land is affected. Damage to any land shall be mitigated and suitable compensation shall be provided in consultation with the local panchayat. *(Specific Condition no. xxx, page no. 4 of the EC dated*

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02.07.2015 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)

- g. Regular monitoring of the air quality shall be carried out in and around the power plant and records shall be maintained. The location of monitoring stations and frequency of monitoring shall be decided in consultation with SPCB. (Condition no. xvi, page no. 3 of the EC dated 17.07.2007 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)
- h. A greenbelt of 100m width shall be developed all around the plant boundary and ash dyke covering an area of at least 170 ha. (Condition no. xv, page no. 3 of the EC dated 17.07.2007 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)
- i. Green Belt consisting of three tiers of plantations of native species around plant and at least 50 m width shall be raised. Wherever 50 m width is not feasible a 20 m width shall be raised and adequate justification shall be submitted to the Ministry. Tree density shall not be less than 2500 per ha with survival rate not less than 80 %. (Specific Condition no. xxxiii, page no. 5 of the EC dated 02.07.2015 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)
- j. Green belt shall also be developed around the Ash Pond over and above the Green belt around the plant boundary. (Specific Condition no. xxxiv, page no. 5 of the EC dated 02.07.2015 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)
- k. At least 50 m width of greenbelt to be developed around the periphery of existing ash pond of 100 acres and diversion bund of 30 acres. (Additional Condition no. iii, page no. 2 of the EC amendment dated 27.02.2020 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)
- l. A bi-flue stack of 275 m height with exit velocity of not less than 29.2 m/s shall be provided with continuous online monitoring system. (Condition no. v, page no. 2 of the EC dated 17.07.2007 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)
- m. A stack of 275 m height shall be provided with continuous online monitoring equipment for SO_x, NO_x and PMs and PM₁₀. Exit velocity of flue gases shall not be less than 22 m/ sec. Mercury emissions from stack shall also be monitored on periodic basis. (Specific Condition no. x, page no. 3 of the EC dated 02.07.2015 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)
- n. Desalination plant shall be installed for meeting the sweet water requirement of the project. (Condition no. viii, page no. 2 of the EC dated 17.07.2007 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)
- o. Treated effluents conforming to the prescribed standards shall be re-circulated and reused within the plant. No effluents shall be discharged outside the plant boundary except during monsoon season. (Condition no. x, page no. 2 of the EC dated 17.07.2007 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)
- p. Wastewater generated from the plant shall be treated before discharge to comply limits prescribed by the SPCB/CPCB. (Specific Condition no. xx, page no. 3 of the EC dated 02.07.2015 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)
- q. 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. (Specific Condition no. xviii, page no. 3 of the EC dated 02.07.2015 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)
- r. The treated effluents conforming to the prescribed standards only shall be re-circulated and reused within the plant. Arrangements shall be made that effluents and storm water do not get mixed. (General Condition no. ii, page no.

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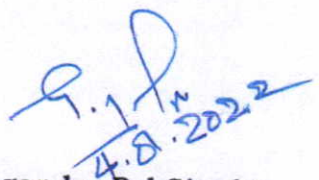
5 of the EC dated 02.07.2015 granted to M/s. Sri Damodaram Sanjeevaiah Thermal Power Station)

Now, therefore, in exercise of powers vested under Section 5 of Environment (Protection) Act, 1986, you are hereby directed to show cause within 15 days of receipt of this notice as to why this Ministry shall not take action against you under the provision of Environment (Protection) Act, 1986 for the aforementioned violation of EIA Notification, 2006. In your response, clarification w.r.t the said violation may also be clearly stated. It may also be noted that if no response is received within 15 days, appropriate orders as may be deemed fit will be passed and issued under the circumstances of the case without any further notice to you. Also, this show cause is without prejudice to any other legal action which may be taken against you.

This issues with the approval of the Competent Authority.

To,

The Director,
Sri Damodaram Sanjeevaiah Thermal Power Plant,
M/s A.P. Power Development Company Ltd.
2nd Floor, Vidyut Soudha
Hyderabad - 500 082, Andhra Pradesh

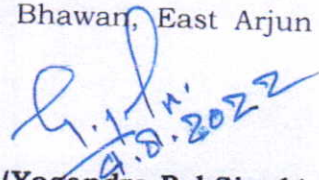

(Yogendra Pal Singh)
Scientist 'E'

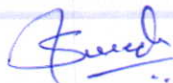
Telefax: 011-20819364

Email Id: yogendra78@nic.in

Copy to:-

1. The Deputy Director General of Forests (C), Integrated Regional Office Hyderabad, 3rd Floor, Room No. 309, Aranya Bhawan, Opp. RBI, Safiabab - 500 004, District Hyderabad (Telangana).
2. The District Collector Nellore, SPSR Nellore (Dt.), Phone No. 0861 - 2324374.
Email Id: nlr@ap.gov.in
3. Chairman of Central Pollution Control Board Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.


(Yogendra Pal Singh)
Scientist 'E'



F. No. L-11011/07/2021-IA.I (T)
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan,
 2nd Floor, Vayu Wing,
 Aliganj, Jor Bag Road,
 New Delhi - 110 003

Dated: 04th August, 2022

Sub: Show Cause Notice under Section 5 of the Environment (Protection) Act, 1986 - to Super Critical Coal based Thermal Power Plant operated by M/s Sembcorp Energy India Ltd., Project-1 on account of non-compliances of environmental conditions.

Whereas, the Ministry accorded Environmental Clearance for **Sembcorp Energy India Ltd., Project-1** vide letter no. **J-13012/02/2009-IA.II(T)** on **04.11.2009** for setting up 3x660 MW thermal power at Village Painampuram, District Nellore, Andhra Pradesh and the amendments were granted vide letter no. **J-13012/02/2009-IA.I (T) dated 02.03.2015, J-13012/02/2009-IA.I (T) dated 09.10.2019**, subject to implementation of the various conditions and environmental safeguards contained therein.

Whereas, OA No. 105 of 2021 was filed before the Hon'ble NGT (SZ), Chennai on the ground that the discharge of toxic effluents, chemicals, dumping of tonnes of fly ash and dumping of waste into Chinna Cheruvu & Pedda Cheruvu agricultural lands has caused water contamination and air pollution in the residential localities and no steps were taken for green belt development. It has also been alleged that environmental impact assessment study, in order to assess the present environmental conditions and likely impact of the thermal power plants on air, land, water, was not conducted properly. Further, the applicant has raised environmental concerns with regard to loss of marine ecology, lack of definite plan to dispose of the utilized ash in the ash pond and non-implementation of environment management plan to mitigate the impacts due to establishment of power plant.

Whereas, the Hon'ble National Green Tribunal (NGT) Southern Bench, Chennai vide order dated 16.09.2021 (copy enclosed) had constituted Joint Committee in **O.A. of 105 of 2021** of NGT (SZ). The members of the Committee as per para 12 of the said order are as follows:

1. The District Collector, Nellore District;
2. Sr. Officer, MoEF&CC, GoI, Integrated Regional Office, Vijayawada;
3. Sr. Officer from Central Pollution Control Board, Regional Office, Chennai;
4. Sr. Officer/Scientist from Acharya N.G. Ranga Agricultural University (ANGRAU), Andhra Pradesh;
5. Senior Officer from Andhra Pradesh Pollution Control Board (APPCB) as deputed by its Chairman

Whereas, the Joint Committee conducted the site visit and filed its report before the Hon'ble Tribunal on 22.03.2022. As per the findings of the Joint Committee Report Whereas, the Joint Committee conducted the site visit and filed its report before the Hon'ble Tribunal on 22.03.2022. As per the findings of the Joint

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Committee Report (copy enclosed) it is observed that you have committed substantial non-compliances of the environmental conditions of the EC. The major non-compliances observed are:

- i. Non-installation of closed shed, wind barrier/wind breaking wall in coal storage yard.
- ii. Inadequate measures taken for controlling fugitive emissions from coal storage yard.
- iii. Non-utilization of 100% fly ash & bottom ash.
- iv. Stagnation of water near to ash pond and storm water drain confirms joining of the seepage water from the ash pond is getting leaked.

Whereas, after considering the findings of the Joint Committee Report, the matter was examined in the Ministry and non-compliances of following conditions of environmental clearance were observed:

- a. 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. *(Specific condition no. v, page no. 2 of the EC dated 04.11.2009 granted to M/s Sembcorp Energy India Ltd.)*
- b. Shelter Belt consisting of 3 tiers of plantations around the plant of 100m width and adequate tree density shall be provided. *(Specific condition no. xviii, page no. 3 of the EC dated 04.11.2009 granted to M/s Sembcorp Energy India Ltd.)*
- c. Adequate safety measures shall be provided in the plant area to check/minimize spontaneous fires in coal yard, especially during summer season. *(Specific condition no. xv, page no. 2 of the EC dated 04.11.2009 granted to M/s Sembcorp Energy India Ltd.)*
- d. Fugitive emissions shall be controlled to prevent impact on agricultural or non-agricultural land. *(Additional condition no. xxxix, page no. 1 of the EC amendment dated 02.03.2015 granted to M/s Sembcorp Energy India Ltd.)*
- e. Fly ash shall be collected in dry form and storage facility (silos) shall be provided (as applicable). 100% fly ash utilization shall be ensured from 4th year onwards. Unutilized ash shall be disposed of in the ash pond in the form of slurry form. *(Specific condition no. vi, page no. 2 of the EC dated 04.11.2009 granted to M/s Sembcorp Energy India Ltd.)*
- f. Ash pond shall be lined with HDP/LDP lining. Adequate safety measures shall also be implemented to protect the ash dyke from getting breached. *(Specific condition no. vii, page no. 2 of the EC dated 04.11.2009 granted to M/s Sembcorp Energy India Ltd.)*

Now, therefore, in exercise of powers vested under Section 5 of Environment (Protection) Act, 1986, you are hereby directed to show cause within 15 days of receipt of this notice as to why this Ministry shall not take action against you under the provision of Environment (Protection) Act, 1986 for the aforementioned violation of EIA Notification, 2006. In your response, clarification w.r.t the said violation may also be clearly stated. It may also be noted that if no response is received within 15

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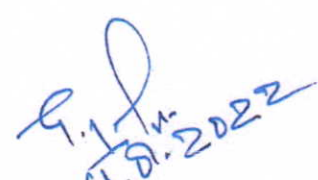
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days, appropriate orders as may be deemed fit will be passed and issued under the circumstances of the case without any further notice to you. Also, this show cause is without prejudice to any other legal action which may be taken against you.

This issues with the approval of the Competent Authority.

To,

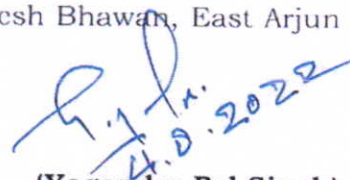
M/s Thermal Powertech Corporation (India) Ltd.
6-3-1090, 5th Floor,
A - Block, TSR Towers,
Rajbhavan Road, Somajiguda,
Hyderabad - 500 082, Andhra Pradesh


(Yogendra Pal Singh)
Scientist 'E'

Telefax: 011-20819364

Email Id: yogendra78@nic.in**Copy to:-**

1. The Deputy Director General of Forests (C), Integrated Regional Office Hyderabad, 3rd Floor, Room No. 309, Aranya Bhawan, Opp. RBI, Safiabab - 500 004, District Hyderabad (Telangana)
2. The District Collector Nellore, SPSR Nellore (Dt.), Phone No. 0861 - 2324374.
Email ID: nlr@ap.gov.in
3. The Chairman, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.


(Yogendra Pal Singh)
Scientist 'E'