

**BY RPAD**



Plastic Pollution  
free Tamilnadu

**TAMIL NADU POLLUTION CONTROL BOARD**



O/o. Joint Chief Environmental Engineer  
TNPC Board, Chennai Zone.

**Proc.No. F.1081-01/RL/JCEE(M)/TNPCB/CHN.ZONE/W/2022 Dated:05/04/2022**

**Sub:** TNPC Board – O/o JCEE(M) – Chennai Zone - Industries - M/s North Chennai Thermal Power Station Stage-I, SF.No.44, 45 etc., Puzhudivakkam Village, Ponneri Taluk, Thiruvallur District – Non-compliance of consent order conditions - Violations of Section 25 of Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 - Show Cause Notice - Issued - Regarding.

- Ref:**
1. CTO Proc. No.T1/TNPCB/CMN/W/1993/ dated 07.12.1993.
  2. Proc No: T4/F. 25860/RL-17C/TNPCB/TVLR/W/2014-1/Dated: 25.06.2014.
  3. Board's Proc.No. T2ITNPCB/F.0048GMP/RL/W/2021 dated: 12.10.2021.
  4. Hon'ble NGT (SZ) in its common order dated 22.11.2021 in O.A.No.08/2016, O.A.No.152/2016, O.A.No.198/2016, O.A.No.122/2021 & O.A.No.162/2021.
  5. Hon'ble NGT (SZ) order dated 30.11.2021 in O.A.No.08/2016, O.A.No.152/2016 & O.A.No.198/2016.
  6. Hon'ble NGT order dated 24.12.2021 in Review Application No.14 of 2021 in OA.No.08 of 2016.
  7. Hon'ble NGT common order dated 31.01.2022 in OA.No.122 of 2021 & 162 of 2021.
  8. Inspection of your unit by the TNPCB Officials on 24.03.2022 & 31.03.2022.

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Tamilnadu Pollution Control Board serves this notice on you as occupier of the unit of M/s North Chennai Thermal Power Station Stage-I, SF.No.44, 45 etc., Puzhudivakkam Village, Ponneri Taluk, Thiruvallur District for contravening the conditions of consent renewed under Section 25 of Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 vide reference 2<sup>nd</sup> cited.

Whereas renewal of consent to operate was issued to the unit of M/s North Chennai Thermal Power Station Stage-I, SF.No.44, 45 etc., Puzhudivakkam Village, Ponneri Taluk, Thiruvallur District under Air (P&CP) Act 1981 as amended for the product of generation of Electricity of 400 million units per month with validity for the period ending March 31, 1994 vide reference 2<sup>nd</sup> cited subject to following conditions.

1. The unit shall complete and commission the common sewage treatment plant for Stage-I & Stage-II within a month time.
2. The unit shall ensure that no water shall be discharged from the Ash pond or through the canal linking the pump house and ash pond to Ennore creek either directly or indirectly under any circumstances.
3. The unit shall reconstruct/revamp the existing spillway structure to ensure uniform distribution of water from the cooling water canal in to Ennore creek to preserve the marine eco system within 6 months time.
4. The unit shall take immediate action for the removal of fly ash accumulated over the roads and around the ash dyke area.
5. The unit shall conduct Marine Impact Study at where the cooling water is being discharged in to creek/sea and furnish the report within three months.
6. The unit shall maintain the coal handling conveyer system and junction towers and ensure that no coal dust shall be accumulated in the adjacent area of coal handling conveyor and junction towers.
7. The unit shall obtain renewal of authorization under the Hazardous Waste (MH&T) Rules 2008.
8. The unit shall remit the balance water cess immediately.
9. The unit shall develop green belt in and around the unit premises at the rate of 400 trees/hectare.

Whereas the Tamil Nadu Pollution Control Board has issued directions under section 33A of the Water (P&CP) Act, 1974 as amended to the unit of M/s North Chennai Thermal Power Station Stage-I, SF.No.44, 45 etc., Puzhudivakkam Village, Ponneri Taluk, Thiruvallur District to carry out the followings.

- I. The TANGEDCO shall comply with the findings of the committee constituted by the Hon'ble National Green Tribunal order dated 20.05.2019 in O.A.No.8 of 2016,

O.A.No.152 of 2016 & O.A.No.198 of 2016, communicated and agreed by the Hon'ble NGT within the time limit, as reported.

1. The unit shall remove the fly ash deposited on the land in and around the ash carrying pipeline and ash disposed inside the premises for quantity of 395979 Tonnes and shall store in temporary storage area and/ or sent directly for beneficial purposes.
2. The unit shall completely remove the ash deposited in Buckingham canal for a quantity of 93096 m<sup>3</sup> Tonnes and shall store in temporary storage area and/ or sent directly for beneficial purposes.
3. The unit shall completely remove the ash deposited in Kosathaliyar river for a quantity of 325000 Tonnes from NCTPS main gate to KPL main gate for a length of 2.4Kms for a average width of 130m and depth of 1m and shall store in temporary storage area and/ or sent directly.
4. The unit shall completely remove the ash deposited in Kosathaliyar river for a quantity of 468000 Tonnes form Ennore creek to NCTPS-I main gate for a distance of 1.7Km and from KPL Main gate to Kattupalli downstream for a distance of 1.9 Km for a average width of 130m and depth 1m and shall store in temporary storage area and/ or sent directly for beneficial purposes.
5. The unit shall replace the existing Ash Slurry pipe lines No. 1,2,3&4 with new Cast Basalt Lined pipe lines for a total length of 20523m length.
6. The unit shall provide impervious Toe drain around the Ash dyke for a length of 6000m for the collection of seepage water and to be connected to the existing Recovery Water sump and reuse for Ash slurry making.
7. The unit shall provide 6000 Nos. of trees in and around the ash dykes and grow it well so as to prevent the dust emission from the ash dyke.
8. The unit shall make existing ash ponds impervious so as to prevent the seepages as per the technical consultancy of IITM, Chennai.
9. The unit shall obtain technical study report from IITM Chennai for the remedial measures such as strengthening of Ash Dyke and other related works in Ash dyke and implement the recommendations.
10. The unit shall provide sufficient number of piezometric wells/monitoring wells around the dykes and upstream of the industry to monitor the ground water quality.

11. The unit shall bring back Recovery water Pump No.3 in to service and to replace the existing worn-out Recover water pipe Line No.1 for an entire length of 2815 m.
  12. The unit shall modify existing three Electrostatic precipitator attached to the 3 No. boilers so as to achieve revised norms of particulate matter emission 100 mg/m<sup>3</sup> as per MOEF & CC notification dated 07.12.2015.
  13. The unit shall replace the worn-out boiler roof tubes in Unit-II and Unit-III so as to arrest the discharge of fugitive emission.
  14. The unit shall develop Mangroves plantations and other costal vegetation in both sides Kosasthaliyar river banks, Buckingham canal and nearby by affected coastal areas, in consultation with M.S.Swaminathan foundation (or) Annamalai University.
  15. The unit shall ensure complete utilization of fly ash as per the Ministry of Environment, Forest & Climate Change fly ash notification of 2016.
  16. The unit shall carry out ground water, surface water monitoring once in six months through any NABL accredited laboratory in the affected areas. Further detailed study may be carried out by Ground water department or any reputed institution on the status of ground water, surface water quality once in year.
  17. The unit shall adhere to the latest consent order conditions dated 25.06.2014 issued by Tamil Nadu Pollution Control Board.
- ii. The TANGEDCO shall replace the existing ash slurry pipe lines no. 1, 2, 3, 4 & 5 with new cast basalt lined pipes for entire length instead of using retrieved pipes from ETPS on or before 31.12.2021 as reported to comply with the above Hon'ble NGT direction so as to curtail the leakage from pipes permanently to avoid deposition of ash in Buckingham Canal, Kosasthalaiyar River and near Seppakkam hamlet.
  - iii. The TANGEDCO shall carry out the removal of deposited ash near the Seppakkam hamlet on priority basis within 15 days.

Whereas the Hon'ble National Green Tribunal (SZ) in its common order dated 22.11.2021 in O.A.No.08/2016, O.A.No.152/2016 & O.A.No.198/2016, O.A.No.122/2021 and O.A.No.162/2021 has mentioned as follows among others vide paras.

1. "16. We are also not satisfied with the manner in which the replacements of damaged pipes are being carried out by TANGEDCO. Further, it is also seen from some of the reports filed by them that they are going to replace the same with old pipes which they have removed from their own decommissioned units but that will not help the purpose as we do not know the conditions of those pipes and also how long it can withstand the process and if old pipes of decommissioned units are used, the possibility of breach being recurring regularly cannot be ruled out and that will be a continuing nuisance for the people in the locality besides damage to the environment. So, it is high time for them to replace the same with new pipes and suggest as to what is the timeline required by them for that purpose and that too they are not expected to take long time as already the people in the area are suffering and environment is 43 adversely affected due to their negligent act for the past 5 to 6 years at least, though it may be for a much longer period, if it is traced to its origin.
2. 17. So, we feel that short time can be given to TANGEDCO to come with an action plan with shorter time line for replacing the pipes and stating the difficulties they are facing for the purpose of procuring funds and administrative sanction, then necessary direction can be given to the higher level officials to deal with the same and remedy the situation. They are also directed to come with the report regarding study if any, conducted by TANGEDCO themselves for the purpose of implementing the remediation process through an independent agency as recommended by the Joint Committee in the year 2017. They are directed to submit these reports and action plan on or before 30.11.2021. If they did not come with a proper action plan to the satisfaction of this Tribunal, then this Tribunal will be compelled to pass some coercive orders to implement the same with shorter time line and also appoint an independent committee to go into these aspects and submit a report at the expense of TANGEDCO"

Whereas after filing of the undertaking by NCTPS (TANGEDCO), the Hon'ble National Green Tribunal (SZ) in its order dated 30.11.2021 in O.A.No.08/2016, O.A.No.152/2016 & O.A.No.198/2016 noted and directed the following among others vide paras.

1. "4. It is seen from the undertaking that they have undertaken to replace the damaged pipes with new pipes, instead of replacing the same with the old pipes available from their decommissioned unit, as mentioned by them in the earlier report.

2. 5. So, we make it clear that all the pipes which are damaged have to be replaced by new pipes within the time line mentioned by them in the present undertaking, **at the most by June-2022** and they will have to file a periodical compliance report before this Tribunal regarding the same.
3. 6. While the work of replacing the damaged pipelines, the TANGEDCO is directed **to use only the fully completed replaced pipeline alone (ASDL3) for carrying the fly ash slurry to the ash pond till the other pipeline work is completed.**
4. In the meantime, if they have replaced any of the lines by new pipeline, **then the TANGEDCO is at liberty to approach this Tribunal for modification of this order to use that pipeline as well for that purpose.**

Whereas the Hon'ble NGT in its order dated 24.12.2021 in Review Application No.14 of 2021 in OA.No.08 of 2016 has disposed review application with following directions to TANGEDCO to comply the following vide paras.

1. 16 (i) The order restricting the use of ASDL No.3 alone is modified and the review applicant is permitted to use ASDL No.1 and ASDL No. 5 also till the other pipelines are replaced by new pipes as undertaken by them.
2. 16 (ii) The review applicant is directed to furnish a performance guarantee of Rs. 25 lakh in favour of Tamil Nadu Pollution Control Board for a period valid up to June, 2022 the upper time limit of timeline which was given by them to complete the process of replacement of damaged pipes with new pipes and if it is not complied with, then the amount will be forfeited pro-rata relating with the non- performance of the undertaking given by them.
3. 16 (iii) As and when the ASDL No.2 pipeline is replaced with new pipes, then they will have to seek permission from this Tribunal to use that also so that one of the pipes that is now being permitted to use can be stopped (either ASDL No. 1 or ASDL No. 5).
4. 16 (iv) Review applicant is also directed to take all precautionary measures to avoid breach of fly ash slurry from the pipeline which are being permitted to use at present and monitor the pipelines very closely and critically. If any neglect is found later and any breach occurs and is unattended immediately,

then the TANGEDCO will have to face consequences of such breach including imposition of environmental compensation and other penal consequences.

Whereas the Hon'ble NGT in its common order dated 31.01.2022 in OA.No.122 of 2021 & 162 of 2021 has directed the TANGEDCO to comply the following among others vide paras.

1. 84 (I) The TANDGECO is directed not to proceed with the work of laying the pipeline through the CRZ zone and also in the other area in violation of the Environment Clearance and CRZ Clearance granted to them in 2016, without getting necessary further clearances in this respect by filing afresh application in accordance with law and the same will have to be considered by the authorities strictly in accordance with law and the direction given for this purpose cannot be treated as a direction to the authorities to grant the permission, if it is not otherwise feasible or permissible under law. This must be strictly in compliance with the decision of Hon'ble Supreme Court in Key stone realtors private limited vs. Anil V. Tharthare and ors.
2. 84 (II) The TANDGECO is directed to pay an Environmental Compensation of Rs. 4,12,20,000/- fixed by the Joint Committee and approved by this Tribunal to Tamil Nadu Pollution Control Board for the damage caused to environment on account of the deposit of fly ash slurry in the Kosasthalaiyar River region, over and above the compensation already remitted by them as directed by the Pollution Control Board in O.A. No. 08 of 2016 and other connected cases.
3. 84 (III) The TANDGECO is also directed to pay an additional compensation of Rs. 50 lakhs with the Tamil Nadu Pollution Control Board for the violation committed i.e. preparation for constructing the pipeline and making some attempts for that purpose in violation of the Environmental Clearance and CRZ Clearance granted and this is in addition to the compensation already directed to be paid by them for damage caused to the environment on account of deposit of fly ash.
4. 84 (IV) The TANDGECO is directed to carry out the replacement of the old pipes as undertaken by them and as directed by this Tribunal in O.A. No. 08 of

2016 and other connected cases within the time line fixed by the Tribunal, on the basis of the undertaking given by them to avoid future breaches.

5. 84 (V) The TANDGECO is directed to carry out recommendations made by the Joint Committee in both the cases in its letter and spirit to avoid future breaches of fly ash into the riverine area. The question regarding steps to be taken for remediation process of damage caused to the environment on account of deposit of fly ash in that area for longer period will be considered by this Tribunal including any further compensation to be paid on the basis of the recommendations to be made by Committee already appointed by this Tribunal in O.A. No. 08 of 2016 and other connected cases.
6. 84 (VI) The TANDGECO is also directed to take steps to remove the fly ash already deposited in that area, as directed by the Joint Committee as well as the Pollution Control Board at the earliest possible time to reduce the impact of damage to riverine environment any further.
7. 84 (VII) The TANDGECO is also directed to take necessary steps to avoid leakage through pipes and they must hold vigil by regular inspection of the old pipe lines till such time their replacement is completed and take immediate steps to arrest breaches, if any, during the interregnum. The amount of compensation directed to be paid on two counts are to be deposited by TANDGECO with Tamil Nadu Pollution Control Board which they can utilise for the purpose of protecting Kosasthalaiyar River as well Ennore creek in that area to restore the damage caused to environment and also to provide necessary protection to prevent encroachments in that areas in future and avoid further environmental damage as well as riverine damage in that area.
8. 84 (VIII) As regards the action to be taken for violations committed by TANDGECO in violation of Environmental Clearance and CRZ Clearance, the respective regulators, namely, MoEF&CC and State Coastal Zone Management Authority are directed to take necessary action against TANDGECO in accordance with law.
9. 84 (IX) As regards O.A.No.122 of 2021 is concerned, since it is filed by a private person in order to protect environment, we feel that TANDGECO can be directed to pay a cost of Rs. 25,000/- to the applicant in that case.

10.84 (X) If the above amounts including the compensations and costs are not paid within three months from today, then the Pollution Control Board and the applicant are entitled to initiate proceedings for recovery of the same under Section 25 of the National Green Tribunal Act, 2010 or through District Collector for recovery of the amount invoking Revenue Recovery Act, 1890 in accordance with law.

Whereas, during inspection of your unit of M/s North Chennai Thermal Power Station Stage-I, SF.No.44, 45 etc., Puzhudivakkam Village, Ponneri Taluk, Thiruvallur District on 24.03.2022 & 31.03.2022, it was observed as follows.

1. The unit was under operation without valid consent of Board.
2. The unit has not fully complied the conditions stipulated in the latest renewal consent orders issued to the unit vide Board's Proc. dated 25.06.2014 under the Water Act.
3. The unit has not fully complied the latest directions issued to the unit under section 33A of the Water Act vide Board's Proc. dated 12.10.2021.
4. The unit has not complied the most of the directions of the Hon'ble NGT (SZ) issued then and there in various original application / review application.
5. The unit is using coal containing ash content more than 40%.
6. The unit is not able to achieve 100% utilization of fly ash and is not having adequate facility for storage of dry fly ash that is generated in one day.
7. Thus the unit is not complying the Fly Ash Notification 1999 (as amended) issued under the Environmental (Protection) Act 1986 for utilization of fly ash.
8. The unit has not replaced the existing ash slurry pipelines no.1, 2, 4 & 5 with new cast basalt lined pipes for entire length so as to curtail the leakages from aging pipes permanently to avoid deposition of ash in Buckingham Canal, Kosasthalaiyar River back water and on land adjacent to pipelines as well as near Seppakkam Village.
9. The unit has informed that there was a leak in the slurry pumping line No.5, within the NCTPS Stage-1 premises at 11.00 A.M on 23.03.2022 for 5 minutes and pumping was stopped immediately and necessary action was taken to arrest the

leak in the pipe within half an hour and no ash slurry was discharged outside the premises.

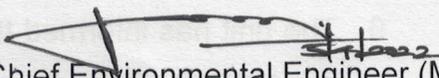
10. On verifying the logbook at the time of inspection, it was ascertained that the last leak in the same 5th pipe line had occurred on 17.03.2022 and repair work had been attended by changing the O-ring.
11. The unit has not completely remove the fly ash deposited on the land in and around the ash carrying pipeline, in the Buckingham Canal and in the Kosasthalaiyar River back water.
12. The unit has not collected the entire quantity of recovered water from ash dyke and not fully utilized within the premises for making bottom ash slurry as recovery water from ash dyke is allowed to overflow into the earthen canal leading to Kosasthalaiyar River back water.

Thus the unit has not complied with the conditions specified in the consent already issued by the Board, thereby the provisions of Section 25 of the under Water (P&CP) Act 1974 as amended have been contravened by you which is punishable under Section 44 of the Act with imprisonment for a term which shall not be less than one year and six months, but which may extend to six years and with fine and also issue of direction under Section 33 A of the said Act for closure of the unit, stoppage of power supply etc.

Hence, you are requested to show cause within 45 days from the date of receipt of this notice as to why penal action for offence punishable under Section 44 of the water (P&CP) Act 1974 as amended should not be initiated against you as occupier for operating the unit without valid consent of the Board under Section 25 of the Water (P&CP) Act 1974 as amended and also why direction should not be issued under Section 33 A of the Act for closure of the unit, etc.

It is informed that non-receipt of any reply within the prescribed period will be construed that you have no satisfactory explanation to offer for the above contravention and action will be taken accordingly.

The receipt of this proceeding shall be acknowledged.

  
Joint Chief Environmental Engineer (M),  
Tamil Nadu Pollution Control Board,  
Chennai Zone.

**To**

The Chief Engineer,  
M/s. North Chennai Thermal Power Station,  
Puzhuthivakkam Village,  
Ponneri Taluk, Tiruvallur District,  
Pin 600120.

**Copy submitted to**

1. The Chairman,  
Tamil Nadu Pollution Control Board,  
76, Mount salai, Guindy, Chennai-32.
2. The Member Secretary,  
Tamil Nadu Pollution Control Board,  
76, Mount salai, Guindy, Chennai-32

**Copy to**

The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Gummidipoondi

**BY RPAD**



Plastic Pollution  
free Tamilnadu

**TAMIL NADU POLLUTION CONTROL BOARD**



O/o. Joint Chief Environmental Engineer  
TNPC Board, Chennai Zone.

**Proc.No. F.1081-01/RL/JCEE(M)/TNPCB/CHN.ZONE/A/2022 Dated:05.04.2022**

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Thiruvallur District under Air (P&CP) Act 1981 as amended for the product of generation of Electricity of 400 million units per month with validity for the period ending March 31, 1994 vide reference 2<sup>nd</sup> cited subject to following special conditions.

1. The unit shall maintain the coal handling conveyer system and junction towers and ensure that no coal dust shall be accumulated in the adjacent area of coal handling conveyor and junction towers.
2. The unit shall operate and maintain water sprinkling and cyclone separators provided at junction towers to control the dust emission.
3. The unit shall ensure the APC measures provided in the coal crushing area shall be under working condition so as to control the dust emission.
4. The unit shall install on line Stack monitoring system for SO<sub>2</sub>, NO<sub>x</sub> and PM and to connect the same to Care Air Centre, TNPCB, Chennai within three months.
5. The Unit shall provide continuous ambient air quality monitoring station and the same shall be connected to Care Air Centre TNPCB, Chennai within three months.
6. The unit shall operate the Air Pollution Control measures efficiently and continuously to achieve the National Ambient Air Quality Standards as per MOEF Notification.
7. The unit shall conduct AAQ/SM survey through TNPC Board and furnish the survey report to Board within 3 months.
8. The unit shall develop green belt in and around the unit premises at the rate of 400 trees/hectare.

Whereas the Tamil Nadu Pollution Control Board has issued direction under section 31A of the Air (P&CP) Act, 1981 as amended to the unit of M/s North Chennai Thermal Power Station Stage-I, SF.No.44, 45 etc., Puzhuvakkam Village, Ponneri Taluk, Thiruvallur District to carry out the followings.

- I. The TANGEDCO shall comply with the findings of the committee constituted by the Hon'ble National Green Tribunal order dated 20.05.2019 in O.A.No.8 of 2016, O.A.No.152 of 2016 & O.A.No.198 of 2016, communicated and agreed by the Hon'ble NGT within the time limit, as reported.
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1. "16. We are also not satisfied with the manner in which the replacements of damaged pipes are being carried out by TANGEDCO. Further, it is also seen from some of the reports filed by them that they are going to replace the same

with old pipes which they have removed from their own decommissioned units but that will not help the purpose as we do not know the conditions of those pipes and also how long it can withstand the process and if old pipes of decommissioned units are used, the possibility of breach being recurring regularly cannot be ruled out and that will be a continuing nuisance for the people in the locality besides damage to the environment. So, it is high time for them to replace the same with new pipes and suggest as to what is the timeline required by them for that purpose and that too they are not expected to take long time as already the people in the area are suffering and environment is adversely affected due to their negligent act for the past 5 to 6 years at least, though it may be for a much longer period, if it is traced to its origin.

2. 17. So, we feel that short time can be given to TANGEDCO to come with an action plan with shorter time line for replacing the pipes and stating the difficulties they are facing for the purpose of procuring funds and administrative sanction, then necessary direction can be given to the higher level officials to deal with the same and remedy the situation. They are also directed to come with the report regarding study if any, conducted by TANGEDCO themselves for the purpose of implementing the remediation process through an independent agency as recommended by the Joint Committee in the year 2017. They are directed to submit these reports and action plan on or before 30.11.2021. If they did not come with a proper action plan to the satisfaction of this Tribunal, then this Tribunal will be compelled to pass some coercive orders to implement the same with shorter time line and also appoint an independent committee to go into these aspects and submit a report at the expense of TANGEDCO”

Whereas after filing of the undertaking by NCTPS (TANGEDCO), the Hon'ble National Green Tribunal (SZ) in its order dated 30.11.2021 in O.A.No.08/2016, O.A.No.152/2016 & O.A.No.198/2016 noted and directed the following among others vide paras.

1. “4. It is seen from the undertaking that they have undertaken to replace the damaged pipes with new pipes, instead of replacing the same with the old pipes available from their decommissioned unit, as mentioned by them in the earlier report.

2. 5. So, we make it clear that all the pipes which are damaged have to be replaced by new pipes within the time line mentioned by them in the present undertaking, **at the most by June-2022** and they will have to file a periodical compliance report before this Tribunal regarding the same.
3. 6. While the work of replacing the damaged pipelines, the TANGEDCO is directed **to use only the fully completed replaced pipeline alone (ASDL3) for carrying the fly ash slurry to the ash pond till the other pipeline work is completed.**
4. 7. In the meantime, if they have replaced any of the lines by new pipeline, **then the TANGEDCO is at liberty to approach this Tribunal for modification of this order to use that pipeline as well for that purpose.**

Whereas the Hon'ble NGT in its order dated 24.12.2021 in Review Application No.14 of 2021 in OA.No.08 of 2016 has disposed review application with following directions to TANGEDCO to comply the following vide paras.

1. 16 (i) The order restricting the use of ASDL No.3 alone is modified and the review applicant is permitted to use ASDL No.1 and ASDL No. 5 also till the other pipelines are replaced by new pipes as undertaken by them.
2. 16 (ii) The review applicant is directed to furnish a performance guarantee of Rs. 25 lakh in favour of Tamil Nadu Pollution Control Board for a period valid up to June, 2022 the upper time limit of timeline which was given by them to complete the process of replacement of damaged pipes with new pipes and if it is not complied with, then the amount will be forfeited pro-rata relating with the non- performance of the undertaking given by them.
3. 16 (iii) As and when the ASDL No.2 pipeline is replaced with new pipes, then they will have to seek permission from this Tribunal to use that also so that one of the pipes that is now being permitted to use can be stopped (either ASDL No. 1 or ASDL No. 5).
4. 16 (iv) Review applicant is also directed to take all precautionary measures to avoid breach of fly ash slurry from the pipeline which are being permitted to use at present and monitor the pipelines very closely and critically. If any neglect is found later and any breach occurs and is unattended immediately,

then the TANGEDCO will have to face consequences of such breach including imposition of environmental compensation and other penal consequences.

Whereas the Hon'ble NGT in its common order dated 31.01.2022 in OA.No.122 of 2021 & 162 of 2021 has directed the TANGEDCO to comply the following among others vide paras.

1. 84 (I) The TANDGECO is directed not to proceed with the work of laying the pipeline through the CRZ zone and also in the other area in violation of the Environment Clearance and CRZ Clearance granted to them in 2016, without getting necessary further clearances in this respect by filing afresh application in accordance with law and the same will have to be considered by the authorities strictly in accordance with law and the direction given for this purpose cannot be treated as a direction to the authorities to grant the permission, if it is not otherwise feasible or permissible under law. This must be strictly in compliance with the decision of Hon'ble Supreme Court in Key stone realtors private limited vs. Anil V. Tharthare and ors.
2. 84 (II) The TANDGECO is directed to pay an Environmental Compensation of Rs. 4,12,20,000/- fixed by the Joint Committee and approved by this Tribunal to Tamil Nadu Pollution Control Board for the damage caused to environment on account of the deposit of fly ash slurry in the Kosasthalaiyar River region, over and above the compensation already remitted by them as directed by the Pollution Control Board in O.A. No. 08 of 2016 and other connected cases.
3. 84 (III) The TANDGECO is also directed to pay an additional compensation of Rs. 50 lakhs with the Tamil Nadu Pollution Control Board for the violation committed i.e. preparation for constructing the pipeline and making some attempts for that purpose in violation of the Environmental Clearance and CRZ Clearance granted and this is in addition to the compensation already directed to be paid by them for damage caused to the environment on account of deposit of fly ash.
4. 84 (IV) The TANDGECO is directed to carry out the replacement of the old pipes as undertaken by them and as directed by this Tribunal in O.A. No. 08

of 2016 and other connected cases within the time line fixed by the Tribunal, on the basis of the undertaking given by them to avoid future breaches.

5. 84 (V) The TANDGECO is directed to carry out recommendations made by the Joint Committee in both the cases in its letter and spirit to avoid future breaches of fly ash into the riverine area. The question regarding steps to be taken for remediation process of damage caused to the environment on account of deposit of fly ash in that area for longer period will be considered by this Tribunal including any further compensation to be paid on the basis of the recommendations to be made by Committee already appointed by this Tribunal in O.A. No. 08 of 2016 and other connected cases.
6. 84 (VI) The TANDGECO is also directed to take steps to remove the fly ash already deposited in that area, as directed by the Joint Committee as well as the Pollution Control Board at the earliest possible time to reduce the impact of damage to riverine environment any further.
7. 84 (VII) The TANDGECO is also directed to take necessary steps to avoid leakage through pipes and they must hold vigil by regular inspection of the old pipe lines till such time their replacement is completed and take immediate steps to arrest breaches, if any, during the interregnum. The amount of compensation directed to be paid on two counts are to be deposited by TANDGECO with Tamil Nadu Pollution Control Board which they can utilise for the purpose of protecting Kosasthalaiyar River as well Ennore creek in that area to restore the damage caused to environment and also to provide necessary protection to prevent encroachments in that areas in future and avoid further environmental damage as well as riverine damage in that area.
8. 84 (VIII) As regards the action to be taken for violations committed by TANDGECO in violation of Environmental Clearance and CRZ Clearance, the respective regulators, namely, MoEF&CC and State Coastal Zone Management Authority are directed to take necessary action against TANDGECO in accordance with law.
9. 84 (IX) As regards O.A.No.122 of 2021 is concerned, since it is filed by a private person in order to protect environment, we feel that TANDGECO can be directed to pay a cost of Rs. 25,000/- to the applicant in that case.

10.84 (X) If the above amounts including the compensations and costs are not paid within three months from today, then the Pollution Control Board and the applicant are entitled to initiate proceedings for recovery of the same under Section 25 of the National Green Tribunal Act, 2010 or through District Collector for recovery of the amount invoking Revenue Recovery Act, 1890 in accordance with law.

Whereas, during inspection of your unit of M/s North Chennai Thermal Power Station Stage-I, SF.No.44, 45 etc., Puzhuvivakkam Village, Ponneri Taluk, Thiruvallur District on 24.03.2022 & 31.03.2022, it was observed as follows.

1. The unit was under operation without valid consent of Board.
2. From the data received from the Care Air Centre (CAC) of TNPCB, the Online Continuous Emission Monitoring Sensors (OCEMS) for the parameters PM monitored for the period from 01.04.2019 to 26.12.2020 and 27.12.2020 to 07.03.2022, it was ascertained that the number of days of exceedance of the pollutant particulate matter is 273 & 208 days respectively which shows that the air pollution control measures attached to the boilers were not in effective operation.
3. The unit has not fully complied the conditions stipulated in the latest renewal consent orders issued to the unit vide Board's Proc. dated 25.06.2014 under the Air Act.
4. The unit has not fully complied the latest directions issued to the unit under section under section 31A of the Air Act vide Board's Proc. dated 12.10.2021.
5. The unit has not complied the most of the directions of the Hon'ble NGT (SZ) issued then and there in various original application / review application.
6. The unit is using coal containing ash content more than 40%.
7. The unit is not able to achieve 100% utilization of fly ash and is not having adequate facility for storage of dry fly ash that is generated in one day.
8. Thus the unit is not complying the Fly Ash Notification 1999 (as amended) issued under the Environmental (Protection) Act 1986 for utilization of fly ash.

9. The unit has not completely remove the fly ash deposited on the land in and around the ash carrying pipeline, in the Buckingham Canal and in the Kosasthalaiyar River back water.
10. The Particulate Matter (PM) emission let out from each 3 boiler stacks are not meeting the standards of 100mg/ Nm<sup>3</sup> at all times (Power Plants smaller than 500MW installed before 31st December 2003) as per MoEF&CC's Notification S.O. 3305(E) dated: 07.12.2015.
11. The unit has not yet taken concrete action/furnished proposal for the installation of Flue Gas Desulphurisation (FGD) System based on Lime/Ammonia dosing to capture Sulphur in the flue gases to meet the SO<sub>2</sub> emissions standard of 600mg/Nm<sup>3</sup> (Power Plants smaller than 500MW installed before 31st December 2003) prescribed in MoEF&CC's Notification S.O. 3305(E) dated: 07.12.2015 as the unit has to complete the same before 31.12.2022 as per MoEF&CC Notification dated 31.03.2021.
12. The unit has not calibrated the OCEMS for the emission parameters SPM, SO<sub>x</sub> & NO<sub>x</sub> provided to each three Boiler stacks and not ensuring the connectivity of sensors to CAC, TNPCB & CPCB server at all times.
13. The unit has not repaired the Continuous Ambient Air Quality Monitoring Stations (CAAQMS) for the parameters PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub> & NO<sub>2</sub> installed within the unit premises and outside the premises.

Thus the unit has not complied with the conditions specified in the consent already issued by the Board, thereby the provisions of Section 21 of the under Air (P&CP) Act 1981 as amended have been contravened by you which is punishable under Section 37 of the Act with imprisonment for a term which shall not be less than one year and six months, but which may extend to six years and with fine and also issue of direction under Section 31 A of the said Act for closure of the unit, stoppage of power supply etc.

Hence, you are requested to show cause within 45 days from the date of receipt of this notice as to why penal action for offence punishable under Section 37 of the Air (P&CP) Act 1981 as amended should not be initiated against you as occupier for operating the unit without valid consent of the Board under Section 21 of the Air (P&CP) Act 1981 as amended and also why direction should not be issued under Section 31 A of the Act for closure of the unit, etc.

It is informed that non-receipt of any reply within the prescribed period will be construed that you have no satisfactory explanation to offer for the above contravention and action will be taken accordingly.

The receipt of this proceeding shall be acknowledged.

  
Joint Chief Environmental Engineer (M),  
Tamil Nadu Pollution Control Board,  
Chennai Zone.

A  
5/4/22

**To**

The Chief Engineer,  
M/s. North Chennai Thermal Power Station,  
Puzhuthivakkam Village,  
Ponneri Taluk, Tiruvallur District,  
Pin 600120.

**Copy submitted to**

1. The Chairman,  
Tamil Nadu Pollution Control Board,  
76, Mount salai, Guindy, Chennai-32.
2. The Member Secretary,  
Tamil Nadu Pollution Control Board,  
76, Mount salai, Guindy, Chennai-32

**Copy to**

The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Gummidipoondi