

**BEFORE THE NATIONAL GREEN TRIBUNAL(SZ) AT CHENNAI
O.A No. 74 of 2021**

K.Saravanan

....Applicant

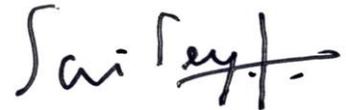
-Vs.-

Union of India,
Rep by its Secretary,
MoEF&CC, New Delhi

....Respondent

TYPEDSET FILED ON BEHALF OF RESPONDENT (MoEF & CC)

Dated at Chennai this the 7th day of December 2023



Sai Srujan Tayi

Counsel for MoEF& CC/Respondent

Contact No: 98414 41438

Mail ID: sai@girisai.com

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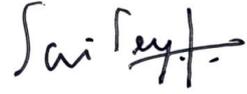
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**INDEX TO TYPEDSET FILED ON BEHALF OF RESPONDENT (MoEF &
CC)**

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Dated at Chennai this the 7th day of December 2023



Sai Srujan Tayi
Counsel for MoEF& CC/Respondent
Contact No: 98414 41438
Mail ID: sai@girisai.com

F. No. J-13012/8/2009-IA.II (T)
 Government of India
 Ministry of Environment, Forest and Climate Change
 (Impact Assessment Division)

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

Dated 06.12.2023

OFFICE MEMORANDUM

**Sub: Amendment in Environmental Clearance for change in coal source
 by Thermal Power Plants - reg.**

The Ministry has issued an Office Memorandum (O.M.) of even no. dated 11.11.2020, facilitating the change in coal source for thermal power plants subject to compliance of relevant notifications as mentioned therein and a procedure to be followed as described therein.

2. The Hon'ble NGT vide Order dated 24.05.2023 in Original Application No. 74 of 2021 directed the MoEF&CC to revisit the O.M. dated 11.11.2020. In order to ensure the compliance of the directions of the Hon'ble NGT, the matter was deliberated by the Expert Appraisal Committee (EAC), constituted by the Ministry to consider the Thermal Power Projects for grant of Environmental Clearance (EC) under the provisions of the EIA Notification, 2006, as amended, and the EAC has recommended certain amendments in O.M. dated 11.11.2020.

3. Based on recommendations of the EAC and subsequent approval of Competent Authority, the Ministry hereby make following amendments in the O.M. dated 11.11.2020 :

i. The Para 7 of the O.M. dated 11.11.2020 shall be read as follows:

7. In order to simplify the procedure for change in coal source, the Ministry lays down the following procedure:

All the Thermal Power Plants (including Captive Power Plants) having prior Environmental Clearance can change the following coal sources including Lignite, sourced directly through e-auctions/short term linkage/long term linkage/other linkage options of the Ministry of Coal or any organization recognized for allotting coal linkages, without seeking amendment in Environmental Clearance, subject to compliance with conditions (a) to (f) enumerated in Office Memorandum dated 11.11.2020:

- a. from domestic to domestic,
- b. from domestic to domestic (blended with imported coal up to 30% content of imported coal)

- c. from imported to imported (blended with domestic coal up to 10% content of domestic coal)
- d. from imported to domestic (where the GCV of the domestic coal is of the same grade as of imported coal).

All the Thermal Power Plants (including Captive Power Plants) having Prior Environmental Clearance and going in for change in the coal source other than those falling in the aforementioned category of change in coal source shall approach the Ministry for amendment in environmental clearance along with a study on additional impact assessment and revised EMP based on the change in source of coal.

Further, condition no. (d) mentioned in Para 7 of the O.M. dated 11.11. 2020 shall stand substituted as follows:

(d) Additional ash pond shall not be permitted on account of increase in ash content in the raw coal due to change in coal source including lignite other than the ash pond permitted and specified in the Prior Environmental Clearance. 100% fly ash utilization is to be achieved within 4 years in accordance with the extant provisions laid down in the Fly Ash notifications dated 14.09.1999, 27.08.2003, 03.11.2009 & 25.01.2016, 31.12.2021 and 30.12.2022 as amended from time to time.

4. This issues with the approval of the Competent Authority.



(L K Bokolia)
Director/ Scientist F

To,

1. All the Thermal Power Plants
2. The Chairman/Member Secretaries of all the Expert Appraisal Committees
3. The Chairman /Member Secretaries of all the SEIAAs /SEACs
4. The Chairman/Member Secretaries of all SPCBs /UTPCCs
5. The Deputy Director General of Forest of all ROs of MoEF&CC
6. All the Officers of I.A. Division

Copy for information to:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to the Secretary (EF&CC)
4. PPS to the AS (TK) / AS (NPG)
5. The Joint Secretary, Ministry of Coal,Gol
6. The Joint Secretary, Ministry of Power,Gol
7. Website of MoEF&CC/ Guard file



(L K Bokolia)
Director/ Scientist F

F. No.J-13012/8/2009-IA.II (T)
 Government of India
 Ministry of Environment, Forest and Climate Change
 (Impact Assessment Division)

Indira Paryavaran Bhawan
 Aliganj, Jorbagh Road
 New Delhi-110 003

Dated 11th November, 2020

Office Memorandum

Sub: Amendment in Environmental Clearance for change in coal source by Thermal Power Plants- reg.

The Environment Impact Assessment (EIA) Notification dated 14th September, 2006 under the Environment (Protection) Act, 1986 mandates the requirement of prior Environmental Clearance to the projects/activities listed in the schedule to the said Notification. The Environmental Clearances are granted for Thermal Power Projects as per the capacities mentioned in the Schedule of the EIA Notification, 2006.

2. The Environmental Clearance (EC) has been granted based on a specific coal source such as a specific coal mine (domestic coal), or Imported coal, or blend of Imported coal and domestic coal. The Environmental Clearance has stipulated a condition that an amendment in EC is to be sought from the Ministry in case of change in fuel source.
3. The Ministry has been receiving several proposals regarding change in coal source, viz. change in domestic coal due to change in fuel linkages/auctions, and switching from imported coal to domestic coal. The linkage period granted through short-term linkage and e-auctions vary from 3 months to 1 year, making Project Proponents to approach the Ministry for granting amendment in EC each time there is change in coal source. In each amendment process, new conditions are being stipulated by making old conditions redundant.
4. The Ministry of Power (MoP) vide Policy Advisory dated 28.4.2020 encouraged all the power generating companies who are using imported coal (part/full) to switch over to domestic coal to the extent possible. The MoP has also set up a mechanism to deal with difficulties faced by the power companies in obtaining required quantity, quality of domestic coal including logistic bottlenecks.
5. The present process of dealing with change in coal source is to apply at PARIVESH, subsequent appraisal by the Expert Appraisal Committee (EAC), processing of EAC recommendations and granting the amendment to the EC. The whole process would approximately take about 2-3 months.
6. The various environmental impacts due to change in coal source viz. increased ash quantity and its management, increased emissions, and impacts of transportation have already been addressed and adequate mitigation measures have been stipulated by the Ministry vide Notifications dated 7.12.2015, 28.6.2018 and 21.5.2020.

7. In order to simplify the procedure for change in coal source and encourage Thermal Power Plants to use domestic coal, **the Ministry has decided the following procedure:**

All the Thermal Power Plants (including Captive Power Plants) having Environmental Clearance can change the coal source (from imported to domestic, domestic to domestic, and domestic to imported) including Lignite, directly through e-auctions/short term linkage/long term linkage/other linkage options of Ministry of Coal or any organisation recognised for allotting coal linkages, without seeking the amendment in Environmental Clearance, subject to the following conditions and thereby making earlier conditions in the EC regarding coal source redundant:

- a) Details regarding change in source (location of the source, proposed quantity, distance from the power plant and mode of transportation), quality (Ash, Sulphur, Moisture content and Calorific value) shall be informed to the Ministry and its concerned Regional Office. The quantity of coal transported from each source along with the mode of transportation shall be submitted as part of EC Compliance Report.
- b) The applicable flue gas emissions standards for Particulate Matter, Sulphur Dioxide, Oxides of Nitrogen and Mercury shall be complied inline with Ministry's Notification vide S.O. 3305(E) dated 7.12.2015 and subsequent emissions. A progress of implementation and its compliance shall be submitted as part of Compliance Report.
- c) Ash content in the Coal and Coal transportation is governed by the Ministry's Notification vide S.O. 1561(E) dated 21.5.2020. As far as possible, Coal transportation shall be done by rail/conveyor or other eco-friendly modes. However, road transportation is allowed with tarpaulin covered trucks till the railway/conveyor belt infrastructure is made available. A progress (Physical and financial) of rail connectivity from nearest railway siding or conveyor connectivity to the power plant shall be submitted in the EC compliance report.
- d) Additional ash pond is not allowed due to increase in ash content in the raw coal as against the ash pond permitted in the Environmental Clearance. The 100% flyash utilisation is to be achieved within 4 years in line with Flyash Notifications dated 14.9.1999, 27.8.2003, 3.11.2009 & 25.1.2016 and amended time to time or extant regulations on Fly ash Utilisation.
- e) In case of exceptional circumstances, project proponents may approach the Ministry for seeking permission to use an emergency ash pond with cogent reasons, if any.
- f) The details regarding monthly generation, utilisation and disposal of flyash (including bottom ash) shall be submitted to the Ministry and its Regional Office.

This issues with the approval of the Competent Authority.



(Dr. S. Kerketta)
Director, IA Division

To

1. All the Thermal Power Plants.

2. The Chairman/Member Secretaries of all the Expert Appraisal Committees.
3. The Chairman /Member Secretaries of all the SEIAAs/SEACs.
4. The Chairman/Member Secretaries of all SPCBs/UTPCCs.
5. The Deputy Director General of Forest of all ROs of MoEF&CC.
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3. The Joint Secretary, Ministry of Coal.
4. The Joint Secretary, Ministry of Power.
5. Sr. PPS to Secretary (EF&CC).
6. Sr. PPS to AS (RA) / AS (RSP).
7. Sr. PPS to JS (GM)/ JS (SKB)/JS (AKN).
8. Website of MoEF&CC/ Guard file.

SIDER/CAQ