

REPORT IN COMPLIANCE OF THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, ORDER DATED 25.09.2019 PASSED IN ORIGINAL
APPLICATION NO. 744 OF 2019 " SUBHASH KUSHWAHA, PRESIDENT MACHHALI
PALAN SAHKARI SAMITI MARYADIT, BANOULI VS. GOVERNMENT OF MP.

1. Hon. NGT in its order dated 25/9/19 in OA 744/ 2019 was pleased to order that:

" Grievance in this application is against the unscientific disposal of fly ash by M/s Gorbi Project. The coal mines being operated by the NTPC, Vindhya Nagar, district Singrauli, Madhya Pradesh are affecting the fishing society of inhabitants. Let the Madhya Pradesh PCB and District Magistrate Singrauli look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within two months by email at judicial-ngt@gov.in. The nodal agency for compliance and coordination will be the Madhya Pradesh State PCB.

A copy of this order, along with complaint, be sent to the Madhya Pradesh State PCB and District Magistrate Singrauli by e-mail for compliance."

2. It is respectfully submitted that M/s Gorbi Project at present is an abandoned coal mine of M/s Northern Coalfields Limited (NCL) Singrauli. The mine was declared inoperative since the year 1/7/1997. At present the mine is filled with water that is acidic in nature having ph ranging from 2.1 to 2.9. The presence of acidic water in the mine is due to natural / geo genic reasons.
3. The mine belongs to NCL having a total lease area of 457.475 hectares out of which 276.782 hectares have been mined for coal. Acidic water is stored in 3 pits occupying around 75.6 hectares and around 201.176 hectares of mined out land has been reclaimed. Around 30 million m³ of acidic water is estimated to be stored in these pits.
4. Singrauli area is rich in coal and there are open cast coal mines being operated by M/s NCL as well as by other private proponents. There are number of power station in and around Singrauli district of MP and Sonbhadra district of UP and huge quantum of fly ash is generated. As

Sd/-

per the Fly ash Notification of 14/9/1999, the mines situated within 50 km of a thermal power plant are required to use the fly ash @ 25% in their over burden dumps. Since the utilization of fly ash remains a big issue in the region, the MP Pollution Control Board as well as Government of MP was pursuing the NCL management for allowing the Vindychal Power Station of NTPC to dispose its fly ash in the abandoned Gorbi mines.

5. It is submitted that a Core Committee was constituted by Hon. NGT in the matter OA 276/2013 "Ashwani Kumar Dubey vs. Union of India and ors" Core Committee has recommended to Hon NGT in its report of February 2018 in the connected matter OA 164/ 2018 "Ashwani Kumar Dubey vs. Union of India and ors" that the mine of Gorbi be provided to NTPC for the disposal of fly ash, which was accepted by Hon NGT with its final order dated 28/08/18. Later Hon. NGT has also constituted Oversight Committee in the matter OA 164/ 2018 "Ashwani Kumar Dubey vs. Union of India and ors" vide order dated 28/8/18 under the chairmanship of Hon. Justice Rajesh Kumar (retd.) of Allahabad High Court. The Oversight committee has also in its various reports asked NCL and NTPC to come to terms and fly ash disposal in Gorbi mines be undertaken.
6. Pursuant to this, NCL and NTPC have mutually agreed and signed an MoU to this effect that the one pit of the Gorbi Mine will be provided to NTPC in the first phase for the disposal of fly ash. The copy of the MoU signed between NCL and NTPC on 03/01/19 is placed as Annexure 1.
7. As per the provisions and conditions of the MoU, NTPC has approached MoEF&CC to obtain their NOC for the environmentally safe and sound disposal of the fly ash. MoEF & CC has issued TOR to M/s NTPC for conducting various studies. The TOR issued by MoEF&CC on 04/04/2019 is placed as Annexure 2.
8. MP Pollution Control Board has also accorded its "In Principal Approval" to NTPC to go ahead to undertake activities and studies essential for the safe and sound disposal of the fly ash in Gorbi Mines. A copy of the "In Principal Approval" of MPPCB dated 26/11/19 is placed at Annexure 3



9. It is further submitted that that so far no disposal fly ash in the Gorbi mine has actually started and the pre activities, studies etc are being undertaken by NTPC. Actual disposal will start after obtaining necessary approval form the concerned agencies including MPPCB, so that the no damage to the environment is caused during the actual disposal of fly ash. Hence the allegation of the applicant that NTPC is disposing fly ash in un-scientific manner is not true.
10. It is respectfully submitted that the acidic water accumulated in the mine pit has been tested time to time by MPPCB in the year of 2016, 2017, 2018 and 2019 the results of which are placed at Annexure 4. The water is highly acidic and not fit for any fish propagation. The mine water quality is not fit to be used for the purpose of fish propagation as per the designated best use water quality criteria devised by CPCB. As per it, the water quality criteria for propagation of wildlife and fisheries the water should have pH between 6.5 and 8.5, Dissolved Oxygen 4mg/l or more and Free Ammonia (as N) 1.2 mg/l or less. Hence no fishery can be propagated in this acidic water. It is also submitted that the mine is abandoned for so many years, but no aquatic life in it has been noticed nor any locals were seen fishing in the water. Hence the request of the applicant Shri Subhash Kushwaha seems unfounded and do not seem to be appropriate.

PRAYER

The mine has been allotted for the disposal of fly ash, as per the provisions of the Fly ash notification of 1999 and as per recommendations of the of various high level committees and Hon. NGT. Fly ash disposal at present is the big environmental challenge of the Singrauli area. Hon. NGT may be pleased to pass an appropriate order in the instant matter as it may please.

Date: 4/1/2020
(S.D. Balmik)
Regional Officer
Singrauli(MP)

Ram Avtar Singh Kaushik
(Ram Avtar Singh Kaushik)
E.E. (WRD) Division, Singrauli
For - District Magistrate
Singrauli (M.P.)



मध्य प्रदेश MADHYA PRADESH

AW 121201

MEMORANDUM OF UNDERSTANDING BETWEEN NCL & NTPC FOR BACK FILING FLY-ASH FROM NTPC
VINDHYACHAL SUPER THERMAL POWER STATION IN
GORBI OPEN CAST ABANDONED/CLOSED MINE OF NORTHERN COALFIELDS LIMITED, SINGRAULI (MP).

The Memorandum of Understanding (MOU in short) is made on the 03rd day of Jan 2019 by and between M/s NTPC Ltd, a wholly owned Govt. of India Undertaking incorporated under the companies Act, 1956 and having its Registered Office at NTPC Bhawan, Core-7, Scope Complex, 7-Institutional Area, Lodhi road, New Delhi-110 003 and having one of its Project namely Vindhychal Super Thermal Power Station, Vindhychal, Dist Singrauli, (MP) hereinafter referred to as "NTPC" (which expression shall unless repugnant to the context of meaning there of "NTPC" includes its successors and assigns) on one part.

AND

M/s Northern Coalfields Limited, a Mini Ratna Company, a subsidiary of Coal India Ltd, Kolkata having its registered office at District: Singrauli (MP) (hereinafter referred to as "NCL") which expression shall unless repugnant to the context, or meaning there of include its successors and assigns) of the other part.

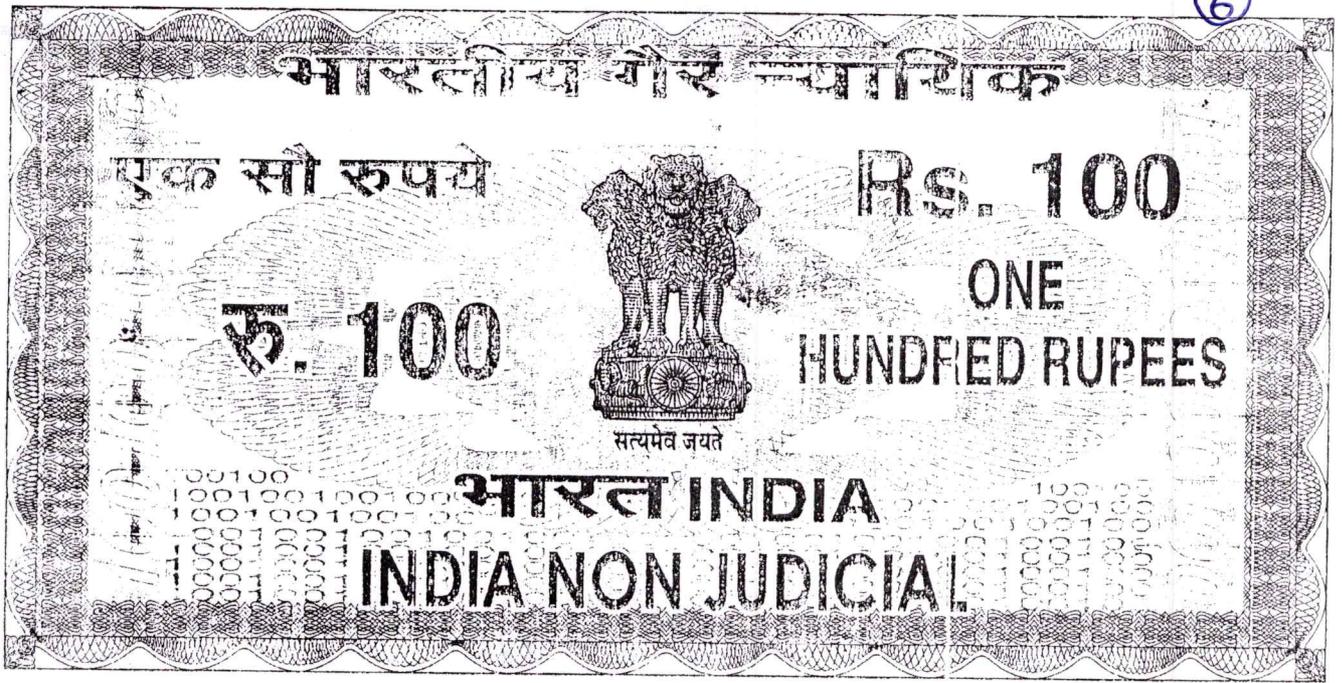
WHEREAS NTPC Ltd. has amongst other, a Thermal Power Station of known as Vindhychal Super Thermal Power Station located at Vindhyanagar in Singrauli district of Madhya Pradesh State which is known as NTPC, VSTPS

AND WHEREAS in the operation of the said VSTPS, huge amount of Ash is generated.

AND WHEREAS NTPC, VSTPS has approached NCL for providing Abandoned/closed opencast quarry/mine for filling of the such fly Ash from NTPC, VSTPS on mutually agreed terms and conditions herein after mentioned.

AND WHEREAS MoEF in the notification of 3rd Nov 2009 has recommended the use of fly ash in the back filling of mines.

AND WHEREAS NGT core committee and MPPCB has also been pursuing NTPC VSTPS and NCL to start back filling of abandoned mines with fly ash.



मध्य प्रदेश MADHYA PRADESH

AW 121203

required in future too and in case of any deviation from permissible limit & probability of contamination of ground water & soil NTPC shall take all possible treatment measures and shall be reported to NCL and statutory body.

3. NTPC shall have to prepare the safety management plan as per Coal Mines Regulation 1957 and amended in year 2017 by hiring any scientific / expert agencies and comply the same.
4. NTPC shall have to make the drainage system of the outlet / drainage water , its treatment and discharge to prevent impact on surrounding surface / underground water.
5. Based on the studies undertaken by NTPC Talcher, where ash filling in MCL mines is already in progress, NCL & NTPC VSTPS has proposed following studies prior to ash filling in the mines :
 1. Hydrogeology & EIA Study
 2. Flora & Fauna Study
 3. Radiotracer Study

As specified by NCL/MPPCB/DGMS/MoEF & CC, if any further study is required for successful filling of ash in abandoned Gorbi Mines, it shall be conducted by NTPC Vindhyachal at their own cost.

6. Before the filling operation, NTPC Vindhyachal shall prepare a comprehensive scheme for fly Ash filling containing the methodology including mode of transport in environmentally acceptable manner, acidic water treatment / management, safety and other allied issues. The comprehensive report should also include the EIA and EMP for the fly ash filling which shall be required during the process of permission from MoEF&CC, New Delhi. Scientific/Expert body shall also ensure whether filling of soil over filled up fly ash in the voids up to GL is technically feasible in the report. Scientific body should specifically include this point in the comprehensive scheme to be submitted by NTPC. NTPC shall submit the mentioned scheme and all reports for permission to NCL before starting of the operation.
7. Necessary NOCs / Permissions from Madhya Pradesh Pollution Control Board (MPPCB), Ministry of Environment, Forest & Climate Change (MoEF & CC), permission of District Collector for transportation of fly ash and other statutory bodies have to be obtained by NTPC as per the latest laws applicable, and any further amendment in statutory laws in future too till execution of work.



मध्य प्रदेश MADHYA PRADESH

AW 121204

As per DMS letter, NCL being the owner of Gorbi Mine all the necessary permission from DGMS shall be obtained by NCL on the request of NTPC, VSTPS Vindhyachal. NTPC VSTPS Vindhyachal will be bound to comply all the conditions imposed in the permission letter of DGMS.

8. Mode of Transportation :

Stage-I : A study for transport of fly ash is to be done before transport of fly ash. Till completion of the installation of permanent mode of transport , NTPC shall transport and fill the fly ash either in lean slurry form or any other form which is non-polluting and shall not hamper the normal activities of the mines of NCL. This should be technically feasible for which necessary consent / permission is required from M.P.P.C.B, MoEF &CC, DGMS District Administration or any other statutory body.

Stage-II : After completion of permanent mode of transportation of conduit pipe the transportation of fly ash in slurry form will be started by NTPC. The corridor for lying of pipeline in portion of NCL lease hold area shall be provided by NCL. The safety , security of the structure / corridor / system installed by NTPC will be the responsibility of NTPC.

9. The preparation and maintenance of the dumping pit near the void of the Gorbi mine will be done by NTPC in consultation with officials of NCL.

10. Any damage / leakage of the closed conduit pipe which is being used for transportation of fly ash in slurry condition shall be immediately redressed to avoid any further legal complications.

11. On account of such fly-ash filling in the pits provided by NCL either during transportation from NTPC to Gorbi Mines or during the process of ash filling, if there is any pollution beyond permissible limit or environmental hazards or any violation, NTPC shall be solely liable for any such deviations or violations and will be solely responsible and also rectify by its own means and cost. Further, NTPC shall keep NCL, for all times to come, legally unharmed and indemnified in this regard. Any statutory or legal problems arising out of the process of fly-ash filling shall be the responsibility of NTPC.

12. That transportation, storage, filling of fly Ash will be done exclusively by NTPC at their own cost. NCL shall have no financial, civil or criminal liability in this regard or in respect of any other

19. As per the direction of any statutory/regulatory authority Environment impact assessment (EIA) report along with tests in respect of toxicity, leach-ability and combustibility content of ash should be prepared by a reputed Government Scientific Agency at the cost of NTPC to the satisfaction of MPPCB and the EIA report along with test details and NOC shall be submitted to NCL. If required, necessary test boreholes for monitoring of ground water quality around the voids shall be done by NTPC.
20. (a) That after filling of the voids with fly ash, the top ash layer will be levelled, compacted and covered with soil of 1m thickness or as mentioned in EIA report / consent order of MPPCB, if required. The conditions may vary as per requirement of statutory agencies. Although the land shall belong to NCL during the process of filling also, NTPC shall be responsible of all liabilities on account of filling and will have to ensure the stability of filled up fly ash during the course of filling and future too. The filled up land shall be returned by NTPC to NCL.
- (b) If it is established through study that dumping of overburden over ash filled area of Gorbi Mines is not technically feasible then only NTPC will cover the filled area in dome shape with spreading / filling of 01 meter of soil layer in first stage then layer of 0.3 meter thickness soil all around with 1 meter in centre resulting in convex structure .
- (c) Adequate precautionary measures are required to be taken for prevention of leaching of the fly-ash and possibility of mixing with ground water. Necessary studies of experts may be done for ensuring this. After completing the filling, capping with soil and OB is to be done in a manner so that the surface should be convex in nature and garland drains should be provided in the periphery so that the rain water does not enter the packed fly-ash pit.
- (d) As instructed / advised by regulatory / statutory bodies for the safety of man & material, fencing at required places shall be done by NTPC at their own cost.
- (e) That NTPC will indemnify NCL for any consequential damage or liability. NCL shall owe no responsibility to the persons engaged by NTPC.
21. That NCL reserves the right to suspend this permission at any time with a prior written notice to that effect in the event of any breach of any condition already specified to NTPC, till NTPC addresses the issues suitably.
22. Stage wise progress report of the work will be submitted to Director (T/O) NCL and GM, Block-B quarterly, as per the format mutually finalised between NTPC and NCL from time to time.
23. That the fly-ash shall be filled only at the designated site as identified above and not anywhere else. There should not be any spillage of fly-ash anywhere.
24. If the operation of filling of fly-ash is abandoned by NTPC at any stage keeping the dumped fly-ash bare, NCL shall be within its right to get the bare dump covered by earth of required thickness or as mentioned in EIA report/consent order either on its own or through any contractor/agency at the risk and cost of NTPC.
25. All disputes/ differences arising out of this subject between two parties shall at the first instance be resolved amicably, failing which, all unresolved disputes shall be settled through Administrative Mechanism for Resolution of CPSEs Disputes (AMRCD) as mentioned in Department of Public Enterprises, Govt. of India, OM No. 4(1)/2013-DPE(GM)/FTS-1835 dated 22.05.2018.



26. Any Notice to be given under this MOU shall be in writing and shall be deemed to have been duly and properly served upon the parties here to if delivered against acknowledgement or by Registered A/D post, address to the parties herein at the following address as will be duly notified by the parties from time to time.

NTPC Ltd.,
Vindhyachal Super Thermal Power Station,
Vindhyanagar
Distt- Singrauli, Madhya Pradesh-486885

And

NCL
Northern Coalfields Ltd.,
PO- Singrauli,
Dist- Singrauli
Madhya Pradesh – 486889

27. This MOU shall come into force for all purposes and intents from the date of its signing and shall remain valid and operative for a period of 10 years from the date of signing of MoU . The period of MOU may be extended , under special circumstances and observing all the parameters stipulated in the MOU, on request of NTPC to NCL for mutual agreed period which will not exceed the time of ten (10) years in any case. NCL will reserve all the rights to give permission for extension.
28. This MOU shall be governed by Indian Laws. All the disputes will be settled by Waidhan Court Dist. Singrauli (MP) .
29. The MOU terms can be reviewed on mutual agreement between NTPC and NCL whenever required owing to new conditions.
30. Irrevocable liability on the fly-ash filling matter shall devolve on NTPC. NTPC shall reimburse all expenditure including any legal charges on any matter of fly-ash filling in case of any litigation, orders of Government and orders of regulatory authority. This liability will operate even after termination of the agreement for 4 years and indefinitely thereafter, if any litigation commences within 4 years and continues beyond that till all litigation ceases.
31. During the execution (commencement to actual completion) of the mentioned work GM (Block-B) or his authorized representative will have right to monitor of workings as and when required. NTPC will intimate to GM (Block-B), NCL the name of authorized person on behalf of NTPC to whom Block-B project will interact during the execution of the work. Any instruction / advise given by Block-B project within the scope and objective of MoU will have to be followed by NTPC representative in due diligence.
32. NTPC is allowed to fill fly ash in the abandoned Gorbi mines in a phased manner, transported through road / conduit pipe, and study the impact on the water chemistry of the water inside the mine, ground water on the periphery of the mine and from the wells in the adjoining villages around mines. Primarily NTPC will be allowed to fill fly ash through closed tanker by road till the structure of transportation of fly ash through conduit pipe is completed. Initially 1 million m³ quantity of fly ash is allowed for filling in pit of Gorbi mine by NTPC. After satisfactory completion/filling of 1 million m³ fly ash, the quantity can further be enhanced after getting competent approval on request of NTPC.



NTPC will take prior permission from all relevant statutory bodies like MoEF &CC, MPPCB, District Administration and any other statutory authorities as applicable etc.

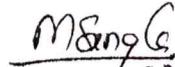
In witness whereof the parties through their authorised representative put their respective signature of the Memorandum of Understanding on the day month and year first above written.

On behalf of NTPC, VSTPS

(Authorised Signatory)


03.01.2019
A.K. Tewary

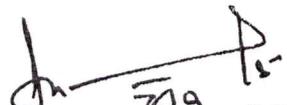
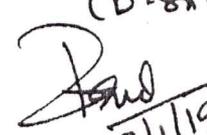
Witness:

1. 
03/01/2019 M.K. MANGLA.
2. 
03/01 (M.K. JAIN).

On behalf of NCL

(Authorised Signatory)


03/01/2019
GM, Block B Asca

1. 
03/01/2019 (CD-Siva) GM(Env)
2. 
3/1/19 (P. K. Dignid) GM/T/SC/ NCC



F.No. J-13011/07/2001-IA.II (T)pt.
Government of India
Ministry of Environment, Forests and Climate Change

Annex-2 (12)
MP POLLUTION CONTROL BOARD
Received
No. 132
Dt. 8/5/19
SINGRAULI

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

Dated: 04.04.2019.

To,

Dr. Vijay Prakash
GM & HOD (Environmental Engineering)
M/s NTPC Limited
Engineering Office Complex,
NTPC Ltd, Plot No. A-8A, Sector-24
Post Box No. 13, Noida - 201301.

कार्यालय कलेक्टर, जिला-सिंगरौली (मं. प्र.)
आवक क्र. 2778 दिनांक 8 APR 2019
प्रभासी अधिकारी MP-PCB
अधीक्षक कलेक्टर

Tele No. 01202416930; **Fax:** 0120 2410206; **E-mail:** environment.ntpc@gmail.com.

Sub: 4x500 MW (Stage-II & III) Vindhyachal Super Thermal Power Project, Village & Tehsil Waidhan, District Singrauli, Madhya Pradesh by M/s NTPC Ltd.- reg. Terms of Reference for disposal of ash into abandoned mine voids.

Sir,

The undersigned is directed to refer to your online application No. **IA/MP/THE/95055/2002** dated 8.02.2019 on the above mentioned subject.

- It has been noted that you had submitted online application on 08.02.2019 for permission to dispose fly ash generated from 4x500 MW (Stage-II & III) Vindhyachal Super Thermal Power Station in to an abandoned mine voids of Gorbi mines of M/s Northern Coalfields Ltd.
- It has been noted that M/s NTPC is operating Vindhyachal Super Thermal Power Station with capacity of 4760 MW (6x210 MW & 7x500 MW) at Vindhyanagar in the District of Singrauli of Madhya Pradesh state.
- It has been noted that the project is located in the Singrauli Critically Polluted Area. Ministry vide OM dated 10.6.2014 lifted the moratorium on developmental projects. However, as per Hon'ble NGT vide Orders dated 16.11.2017 the re-imposition of moratorium vide Ministry's OM dated 17.9.2013 will continue to be in operation.
- Further, the Ministry's OM dated 17.9.2013 allows for consideration of modernization of existing project or activity, change of technology, fuel or product mix, not resulting in increase in pollution load of that project/ activity during the imposition of moratorium in the Singrauli Critically Polluted Area. This would be subject to the concerned SPCB certifying that there will not be any increase in pollution load and the concerned EAS satisfied about the claim.
- It has been informed that the ash generated from the Vindhyachal Thermal Power Project is being disposed in the existing ash ponds located adjacent to

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- x. Base line data generation (AAQ, Water, Soil, plant and aquatic life) in and around abandoned mines including Bio magnifications study for the in and around abandoned mines/low lying area
- xi. Leaching study and radio tracer studies of fly ash and OB dump are to be conducted, which is going to be dumped in abandoned mines.
- xii. Site specific piezometer design in and around abandoned mines area.
- xiii. Feasibility study exploring the utilisation avenues such as construction of road embankments, brick manufacturing, cement manufacturing, etc within 100 km radius of the power plant.
- xiv. As the present proposal is located in the Singrauli Critically Polluted Area and moratorium is yet to be lifted on developmental projects, a certificate from Madhya Pradesh Pollution Control Board shall be submitted stating that there will not be any increase in pollution load due to proposed transportation of ash from Vindhychal Power Plant and disposal into Gorbi mines in line with Ministry's OM dated 17.09.2013.

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, Cential 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 APCCF(C), Ministry of Environment, Forest and Climate Change, Regional Office (WZ), E-5, Kendriya Paryavaran Bhawan, E-5, Arera Colony, Link Road-3, Ravishankar Nagar, Bhopal - 462016.
5. The Principal Secretary, Department of Housing & Environment E- 5, Arera Colony, Bhopal, Madhya Pradesh-462016.
6. The Chairman, Madhya Pradesh Pollution Control Board, E-5, Arera Colony, Paryavaran Parisar, Bhopal - 462016.
7. The District Collector & Magistrate, District Singrauli, Madhya Pradesh - 486889.
8. Guard file/Monitoring file.
9. Website of MoEF&CC.

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

Annex - (3)

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MADHYA PRADESH POLLUTION CONTROL BOARD

Paryawaran Parisar, E-5, Arera Colony, BHOPAL - 462 016

{0755} 2464428, 2466191 Fax : {0755} 2463742 e-mail: it.mppcb@rediffmail.com

D. No. / MPPCB/CE II/TS Singrauli/ 2019

Bhopal, Dated:

Executive Director,
Vindhyachal Super Thermal Power Station
Post- Vindhyanagar,
Singrauli (MP)

Back
19/12/19

Subject: Grant of permission for fly ash filling in abandoned Gorbi Mines (Pit 1): In Principle Approval.

Reference:

1. Your letter no nil dated 6/9/19
2. Fly Ash Notification, 1999 as amended up to date
3. Memorandum of Understanding arrived between NTPC Ltd. and NCL dated 03/01/2019
4. Office Memorandum of MoEF&CC No. 22-13/2019-IA-III dated 28/08/2019
5. "Guidelines For Disposal / Utilization of Fly Ash For Reclamation of Low Lying Areas and Stowing Of Abandoned Mines / Quarries" published by Central Pollution Control Board, March, 2019
6. TOR issued by MoEF&CC vide letter no. J-13011/07/2001-IA-II(T)pt. dated 04/04/2019

Whereas Fly ash Notification of 14th September, 1999 was promulgated and amended from time to time with a view to protect the environment, conserve top soil and prevent the dumping and disposal of fly ash discharged from coal or lignite based thermal power plants on land;

And whereas the said notification in the clause 1 (8) (i) & 8 (ii) provides for that no person or agency shall within fifty kilometres (by road) from coal or lignite based thermal power plants, undertake or approve stowing of mines without using at least 25% of fly ash on weight to weight basis; and in case of external dump of over burden or in upper benches of back filling of opencast mines on 25% volume to volume basis of the total materials used; to be done under the guidance of the Director General of Mines Safety (DGMS);

Whereas the GORBI mine of the Northern Coalfields Limited (NCL) situated at Singrauli has been declared abandoned since 01/01/1997 and is filled with acidic water. Also the mine is situated within 50 km by road from the NTPC Ltd. Vindhyachal Super Thermal Power Station, Vindhyanagar Singrauli;

Whereas for the compliance of the Fly ash notification, 1999 MPPCB has been pursuing NCL from time to time, for providing the abandoned mine to NTPC Ltd.; for the disposal of fly

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ash which is generated daily in huge volume and is accumulated in large quantities in the ash dyke for the want of appropriate avenues for its disposal;

Whereas in the matter of NGT case OA No. 276 of 2013 Ashwani Kumar Dubey vs. Union of India & others, as per order dated 06/12/17 Hon. NGT has appointed a Core Committee and the committee submitted its report of February 2018 on 03/04/2018 before the NGT and recommended that the Gorbi Mine should be provided for the disposal of fly ash. Hon. NGT vide its order dated 28/08/18 has accepted all the recommendations of the Core committee;

Whereas a Supervisory Committee under the Chairmanship of Justice (retd.) Rajes Kumar of Allahabad High court was constituted by NGT vide order dated 28/08/18 to oversee the implementation of the recommendations of the Core committee, which has on 25/10/18, 23/11/18 and 27/12/18 reiterated that the NCL shall provide Gorbi Mine to NTPC Ltd for the disposal of fly ash and an MoU in this regard be executed between both the parties at the earliest;

And whereas a conditional MoU was finally executed between the two parties NTPC Ltd. & NCL on 03/01/2019 for filling of fly ash in one of the voids of abandoned Gorbi Mine which is filled up with acidic water having a total estimated volume of 14 million m³;

Whereas NTPC Ltd., as per the conditions of MoU has approached MoEF&CC for the grant of permission to dispose fly ash generated from Stage II and Stage III of 4x500 MW of Vindhyachal Super Thermal Power Station, and TOR has been prescribed by MoEF&CC vide letter dated 04/04/2019 for conducting detailed environmental impact assessment for comprehensive appraisal;

Whereas Central Pollution Control Board has issued guidelines namely "Guidelines For Disposal / Utilization of Fly Ash For Reclamation of Low Lying Areas and Stowing of Abandoned Mines / Quarries" in March 2019, which are circulated vide MoEF&CC office memorandum dated 28/8/19 and in light of that, NTPC Ltd. Vindhyachal Super Thermal Power Station has sought permission from MP Pollution Control Board for filling of 1 million m³ of fly ash in abandoned Gorbi mine by transporting the fly ash by road in closed bulkers and has also submitted details of various studies that are being conducted by it for ensuring the disposal of fly ash in acidic environment without causing any adverse impact;

Therefore in light of the facts and circumstances as highlighted above, and after taking a holistic stock of the situation, MP Pollution Control Board grants it's In Principal Approval for the disposal of 1 million m³ of fly ash in pit 1 of the abandoned Gorbi Mine of NCL to convey the no objection of the Board to allow NTPC Ltd. to go ahead to undertake activities and studies essential for the planning of safe and environmentally sound disposal of fly ash in Gorbi Pit 1, with following conditions:-

- 1. The NTPC Ltd. Vindhyachal Super Thermal Power Station shall under take the studies including EIA, Radio Tracer Injection Study, Flora Fauna Study, Topography Study of Pit 1, Ash line route survey study, Ash haul back study as proposed by it as a precursor to the actual disposal of ash in the Pit 1.**
- 2. NTPC Ltd shall have to abide by the terms of the MoU that has been executed with NCL on 3/1/19, including conditions related to environmental safeguards pertaining to transportation, acid water treatment & management, leachette studies etc.**

3. NTPC Ltd. shall have to undertake detailed EIA studies as prescribed in the TOR issued by MoEF&CC vide its letter dated 4.4.19 and obtain necessary clearance / NOC / permission from it.
4. The studies enlisted in the guidelines of CPCB, of March 19 shall be conducted and necessary clearance from DGMS, IBM, MOC etc. shall be secured.
5. After securing necessary clearances from the various authorities and after finalizing the operational planning for the safe disposal of fly ash in Gorbi Pit 1 and measures for the safeguard of environment, NTPC Ltd shall submit such details and obtain consent from MP Pollution Control Board for establishing and thereafter operating the fly ash disposal facility as per the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.

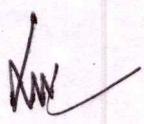
This issues with the approval of competent authority. Kindly acknowledge the receipt of this letter.

Sd
(R.S. Kori)
Member Secretary

Endt. No. 3102 / MPPCB/CE-II/TS Singrauli/ 2019

Bhopal, Dated: 26-11-19

- ✓ 1. Regional Officer, MPPCB Sigrauli (MP) for information & necessary action.


(R.S. Kori)
Member Secretary



Annex-4 (17)

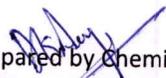
क्षेत्रीय कार्यालय
म.प्र. प्रदूषण नियंत्रण बोर्ड
भकुआर, नौगढ़, जिला सिंगरौली(म.प्र.)-486887
फोन नं. 9752497772, E-Mail: romppcb.sgrl@gmail.com



Water Sample Report(Abandoned Gorbi Mine NCL)

Year	Date of Collection	Description of Sample		
		Sample-1	Sample-2	Sample-3
		NCL Gorbi Project (Old Coal Mines) Pit No. 1	NCL Gorbi Project (Old Coal Mines) Pit No. 2	NCL Gorbi Project (Old Coal Mines) Pit No. 3
Parameters (Ph)				
2016	09-08-2016	2.8	2.7	2.1
2017	12-04-2017	2.5	2.4	2.2
	21-07-2017	2.7	2.6	2.5
	19-12-2017	2.6	2.4	2.4
2018	13-03-2018	2.8	2.7	2.6
	27-08-2018	2.7	2.5	2.1
	07-11-2018	2.6	2.7	2.4
2019	28-02-2019	2.5	2.3	2.2
	25-06-2019	2.9	2.6	2.4
	10-12-2019	2.7	2.5	2.3


Sampler
MPPCB, Singrauli (M.P.)


Report Prepared by Chemist
MPPCB, Singrauli (M.P.)


Laboratory In Charge
MPPCB, Singrauli (M.P.)