

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O.A. No:37 of 2020 (EZ)

Sanjay Chauhan

Applicant

Vs.

Central Coalfields Ltd. & Ors.

Respondents

INDEX

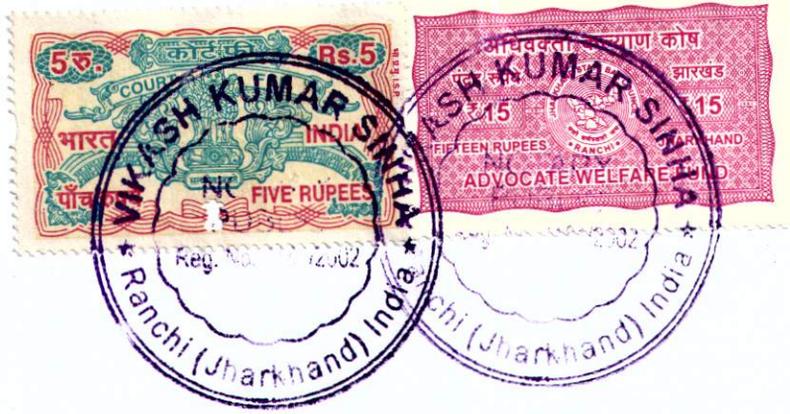
Sl. No.	Particulars	Page No.
1.	Counter Affidavit on Behalf of Respondent No. - 4 Jharkhand State Pollution Control Board.	
2.	Annexure-I: True copy of Board's Ref. No. B-870, dated 02/05/2022.	
3.	Annexure-II: True copy of Board's Ref. No. B-1109, dated 10/06/2022.	

Filed by: -


Surendra Kumar
Advocate

Jharkhand State Pollution Control Board

Authorised under Notaries Act - 1952
& Notaries Rules 1955 by Govt. of
Jharkhand, Ranchi (India)



BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No: 37 of 2020 (EZ)

Sanjay Chauhan

Applicant

Vs.

Central Coalfields Ltd. & Ors.

Respondents

Counter Affidavit on behalf of Respondent No. -4
Jharkhand State Pollution Control Board in
compliance of order dated 05.05.2022.

I, Yatindra Kumar Das, son of Late K. K. Das,
presently posted as the Member Secretary, Jharkhand
State Pollution Control Board, H.E.C, Dhurwa,
Ranchi, and am duly authorized and here by solemnly
state and affirm as follows: -

1. That at present, I am working and posted as the
Member Secretary, Jharkhand State Pollution
Control Board, H.E.C, Dhurwa, Ranchi and as such,



MS-17 JUL 2022
Dns

I am well acquainted with all the facts and circumstances of this case.

2. That I have gone through the order dated 05.05.2022 passed by the Hon'ble NGT and has understood the contents therein.

3. That, I am authorized to swear this affidavit on behalf of the Respondent No - 4 Jharkhand State Pollution Control Board (JPSCB). Further it is stated that I have gone through the relevant files and records.

4. That, it is humbly stated and submitted that a Second Show-cause and direction under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and 31(A) of the Air (Prevention and Control of Pollution) Act, 1981 was issued to M/s Purnadih OCP by rejecting their request to waive of environmental compensation vide Board's Ref. No. B-870, dated 02/05/2022 and the following directions were issued: -

a) to deposit the Environmental Compensation of INR 13,02,18,750.00/- (i.e., Rupees Thirteen Crores Two Lakhs Eighteen Thousand Seven



Hundred Fifty only) within 07 days of issuance of this letter, in case of failure to do so an interest of 12 % per annum will be charged from 25.01.2022 and legal action may be initiated and process will be initiated for rejection of CTO or closure of the mine.

b) to comply all the deficiencies found during inspection i.e., construction of toe wall, garland drain and settling pit around the external dump within 3 months from issuance of this letter.

c) to submit the name of the official(s) responsible for non-installation of Ambient Air Quality Monitoring Station.

Photocopy of Board's Ref. No. B-870, dated 02/05/2022 is annexed as **Annexure - I**.

5. That, it is humbly stated and submitted that a Final Show-cause notice for non-submission of Environmental Compensation was issued to M/s Purnadih OCP vide Board's Ref. No. B-1109, dated



10/06/2022 and the following directions were issued: -

a) to deposit the Environmental Compensation of INR 13,02,18,750.00/- (i.e., Rupees Thirteen Crores Two Lakhs Eighteen Thousand Seven Hundred Fifty only) within 07 days of issuance of this letter, in case of failure to do so an interest of 12 % per annum will be charged from 25.01.2022 and legal action may be initiated.

b) to comply all the deficiencies found during inspection i.e., construction of toe wall, garland drain and settling pit around the external dump within 3 months from issuance of this letter.

c) to submit the name of the official(s) responsible for non-installation of Ambient Air Quality Monitoring Station.

Photocopy of Board's Ref. No. B-1109, dated 10/06/2022 is annexed as **Annexure - II**.

That, it is humbly stated and submitted that no reply has been received by the Board till date.



27 JUL 2022

So, the procedure for revocation of CTO issued to the Unit and issuing Direction for Closure is under process.

7. The statement made in forgoing paragraphs are true to my knowledge in annexure are true copy of its original.

Yatish Kumar
DEPONENT

VERIFICATION:

Verified at Ranchi on this the day ofJuly, 2022 that the averments & facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

E7 JUL 2022

Yatish Kumar
DEPONENT



[Signature]
Bibek Kumar Das
NOTARY PUBLIC RANCHI

[Signature]
Signature Attested on
Identification of Lawyer



झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद

Jharkhand State Pollution Control Board

नगर प्रशासन भवन, एच0ई0सी0, धुर्वा, राँची

दूरभाष : 2400851, 2400852, 2400979 फ़ैक्स : 0651- 2400850 / 138,

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E-mail: ranchijspcb@gmail.com

A-I

319

Ref. No. **B-870**

Date **02/05/2022**

From,

Y. K. Das
Member Secretary

To,

Project Officer,
M/s Purnadih OCP,
At-Henzeda, Katki, Dendua,
Distt- Chatra

Sub: Second show-cause and direction under Section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 and 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981-reg.

Whereas, Environmental Clearance (EC) was granted for "Purnadih Opencast Expansion Coal Mine Project (3 MTPA with a peak production of 3.45 MTPA) of M/s Central Coalfields Limited located in villages Dembua, Henjda and Kutki, in Block-Tandwa in District- Chatra, Jharkhand" over an ML area of 751.74 Ha by MoEF, GoI vide F. No. J-11015/36/2007-IA-II(M), dated 19.05.2009.

Whereas, No Objection Certificate (Consent to Establish) to M/s Purnadih Open Cast Project (Coal) for settling up a Open Cast Coal Mines for manufacturing of Coal at Mauza- Purnadih, PO- Bahera, Distt- Chatra (Jharkhand) for coal production - 3 MTPA by the Board vide ref. no. LN-314, Ranchi, dated 16.11.2010.

Whereas, the last Consent to Operate (CTO) was granted to your unit vide Board's ref. no. JSPCB/HO/RNC/CTO-8709167/2021/180 dated 03.02.2021 for the mining of coal- 3 MTPA for the period upto 31.12.2022.

Whereas, an original application no. 37/2020/EZ Sanjay Chauhan Vs. Central Coalfields Limited & Ors. (Purnadih Open Cast Coal Mining Project) has been filed by the applicant before the Hon'ble NGT, Eastern Zone Bench, Kolkata alleging non-compliance of the conditions of Environmental Clearances (EC) dated 19.05.2009 granted by the Ministry of Environment, Forest and Climate Change (MoEF and CC) in favour of the Central Coalfields Ltd. For the Purnadih opencast Coal Mine situated in Chatra district of Jharkhand State. The first hearing which was held on 22.06.2020. In which the Hon'ble Tribunal constituted a committee comprising of the following:

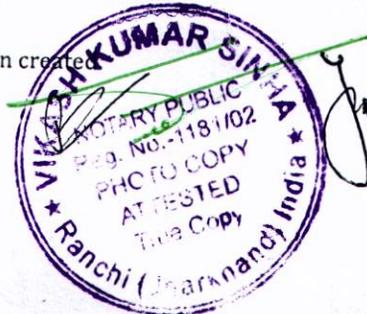
- (e) The Regional Office, MoEF & CC, Ranchi;
- (f) The Regional Office, CPCB, Regional Office, Kolkata;
- (g) The Jharkhand State Pollution Control Board (State PCB) and,
- (h) Dr. Sharad Lele, Member of the Expert Appraisal Committee, MoEF and CC.

Whereas, the committee was directed to jointly inspect the project in question, verify on the factual aspects and submit a report.

Whereas, the committee has visited the site (Purnadih Open Cast Project) on 03.09.2021 and submitted its report.

Whereas, in light of the Committee's report a show-cause notice was issued to the unit vide Board's ref. no. B-2016 Ranchi, dated 15.12.2020 for the non-compliance observed during the site inspection which is as follows:

- (i) Separate top soil dump has not been created



683/DKC/OO/MC

318

- (ii) No catch drain, siltation pond and retaining wall was found around the coal dumped resulting in risk of polluted runoff entering low lying area; coal dust from roads and adjacent drains has chances of flowing into river Damodar;
- (iii) Green belt had not been developed in adequate manner.
- (iv) Coal dust emission was found at feeder breaker area of KDH railway siding, inadequate green belt development around siding and coal dust was also found flown to seasonal nalla from the pucca drains constructed by project authorities along the road leading to KDH siding.
- (v) Ground water level data was not submitted.
- (vi) CHP and railway line/siding have not been constructed till date. As a result, coal is being transported through road as a result the coal dust was observed to be flowing off the road into drains, nallas and even into river Damodar. (vii) During coal transportation, coal was not being covered with tarpaulin.
- (vii) Mouth of pucca drains constructed by you along the road used for coal transport were let into the Damodar river without any effective arrangement for preventing coal dust flowing into the river.
- (viii) From one of the coal dumps in the project site the surface run off was flowing out without any catch drain, siltation pond etc.

Whereas, in response to the show cause notice you had submitted your compliance report vide your Ref. No. PO(Purnadih)/20-21/envt/1017 dated 29.12.2020.

Whereas, the Regional Officer, JSPCB Regional Office, Hazaribagh was directed to submit verification report specifically in the light of the reply submitted by the unit vide Board's Ref. No.- B-03 dated 01.01.2021.

Whereas, the Regional Officer, JSPCB Regional Office, Hazaribagh was again directed to submit the current Compliance Status Report, in light of the observations of the committee Vide Board's Ref. No. B- 1144, Ranchi, dated 16.08.2021.

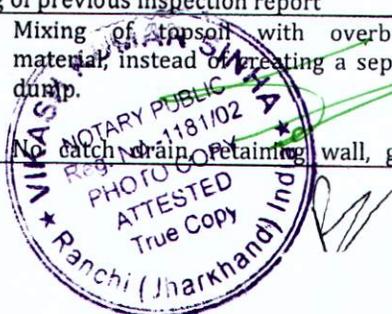
Whereas, the Regional Officer, JSPCB Regional Office, Hazaribagh has submitted the Inspection Report vide his Memo. No. 842; Hazaribagh, dated 19/08/2021. The observations of which is as follows:

1. Catch drain and siltation pond has been constructed to prevent run off from the coal dump/overburden dump.
2. Top soil dump-separate top soil dump has been created in the project. Top soil stacked and placed at an earmarked site on which tree plantation has been done.
3. All the coal dump are internal in nature within the mine lease area.
4. Green belt-tree plantation has been done along road and on reclaimed land 24.9 Ha.
5. Piezometer - for the ground water monitoring piezometer has been installed.
6. Water sprinklers - 30 nos of fixed water sprinklers have been installed along haul road inside the mine area. Water Spraying is also done by 2 nos. of 28 KL. tankers on haul road.
7. No CHP CHP has been constructed. Coal is sent to KDH railway siding by covered trucks/hyvas.
8. Surface rain water is collected in abandoned coal mine pit and roof top rain water is collected in rain water harvesting pit.

Whereas, the Regional Officer, JSPCB Regional Office, Hazaribagh was again directed to submit the Current Inspection Report with clear recommendation with regard to each & every observation made by the Committee Vide Board's Ref. No. B-2278, Ranchi, dated 27.12.2021.

Whereas, the Regional Officer, JSPCB Regional Office, Hazaribagh has submitted the Inspection Report vide his Memo. No. 05 dated 03.01.2022. The observations of which is as follows:

Question	Finding of previous inspection report	Recent Inspection Report
Top soil is not kept separately.	a) Mixing of topsoil with overburden (OB) material, instead of creating a separate topsoil dump. b) No catch drain, Retaining wall, grassing and	It is an internal dump and on topsoil dump and on 9 ha. Area of the dump tree plantation has been done. External OB dump is on 6 Ha. Of



684/DKC/00/MC

3/7

vegetation for external OB dump.	land and tree plantation with grassing has been done, which is settled.
c) No catch drain, siltation pond and retaining wall around coal dump, resulting in risk of polluted runoff entering low-lying area; coal dust from roads (from Purnadih OCP to KDH railway siding) and adjacent drains had chances of flowing into river Damodar if proper precautions not taken.	Coal from Purnadih to KDH railway siding is carried by the tarpaulin covered trucks/hyvas. Regular water spraying is being done on road to suppress the dusts. Tree plantation along road has been done.
d) Green belt inadequate around roads and plantation on reclaimed lands inadequate; no plantation activity in last two years.	Tree plantation along road has been done.
e) KDH siding not in compliance with norms; coal dust emission at feeder breaker area of KDH railway siding, inadequate green belt development around siding, and drains from KDH siding may carry pollution into nearby nallahs/streams unless preventive measures are taken.	KDH railway siding lie within Ranchi district.
f) It was not clear how groundwater monitoring was being done; groundwater level data had not been submitted to MoEF and CC, and Piezometer did not appear to have been installed.	Unit has installed the Piezometer to monitor ground water level.

Moreover, in the light of the above facts it has also been recommended to take action for not constructing toe wall, garland drain and settling pit around the external dump.

Whereas, the competent authority has ordered to calculate the Environmental Compensation against your unit as per the report of the CPCB In house committee on Methodology for Assessing Environmental Compensation and Action Plan to utilize the fund. The detail of calculation of Environmental Compensation is detailed as below:

Nature of violation – Discharges in violation of consent conditions, mainly prescribed standards/consent limits.

Basis to levy the Environmental Compensation – Pollution Index

The environmental compensation is based on the following formula:

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

Where,

- EC – Environmental Compensation
- PI – Pollution Index of Industrial Sector
- N – Number of days of violation took place
- R – A factor in rupees for EC
- S – Factor of scale of operation
- LF – Location Factor

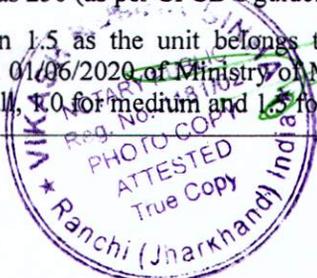
Now in this case,

PI is to be taken as 75 as the industry belongs to Green category (as per CPCB's guidelines.)

N is to be taken as 4630 days from 19.05.2009 to 20.01.2022.

R is to be taken as 250 (as per CPCB's guidelines).

S is to be taken 1.5 as the unit belongs to Small Scale Unit as per Notification No. - S.O. 1702(E).—dated 01/06/2020 of Ministry of Micro, Small and Medium Enterprises (S could be 0.5 for micro or small, 1.0 for medium and 1.5 for large units as per CPCB Guidelines).



685/DKC/00/MC

LF is to be taken as 1.00 as the total population of Ramgarh town is 1 million (District Census Handbook, Ramgarh of 2011).

Therefore,

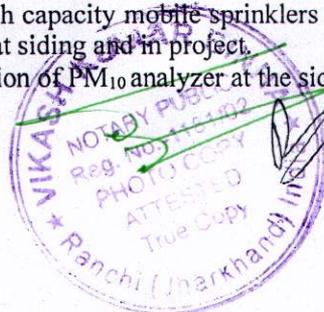
$$\begin{aligned} \text{EC (Per day)} &= \text{PI} \times \text{R} \times \text{S} \times \text{LF} \\ &= 75 \times 250 \times 1.5 \times 1 \\ &= \text{INR } 28,125.00 \end{aligned}$$

Henceforth, the Environmental Compensation for one day comes out to be INR 28,125.00/- So the total Environmental compensation for 4630 days comes out to be **INR 13,02,18,750.00/-** (i.e. **Rupees Thirteen Crores Two Lakhs Eighteen Thousand Seven Hundred Fifty only**).

Whereas, earlier vide Board's order vide ref. no. B-215, dated 25.01.2022, you were directed to submit the amount of environmental compensation.

Whereas, reply has been submitted to you vide Ref. No. PO/PND/Environmental Compensation/2021-22/1347, dated 08.03.2022 in which following has been mentioned:

- i. Central Coalfield Ltd. (CCL) is engaged in coal mining and sale of coal both from open cast and underground mines in the State of Jharkhand. It is involved in mining of coal for various core-sectors of country such as Power, Steels industries etc.
- ii. Purnadih OCP is a running mine of CCL where mining operation started from FY 2009-2010
- iii. The Environmental Clearance (EC) was granted to the project on 19.05.2009 for a capacity of (3 MTPA with a peak production 3.45 MTPA) over an area of 751.74 Ha.
- iv. In accordance with the Environment Clearance, project has been granted Consent to Establish (CTE) vide Ref No: LN-314 Dated: 16.11.2010 for capacity of 3.00 MTPA.
- v. The last CTO of the project was also issued vide Ref No: JSPCB/HO/RNC/CTO-8709167/2021/180 Dated: 03.02.2021 which is valid upto 31.12.2022.
- vi. Regional Officer, JSPCB Regional Office, Ranchi has also submitted the inspection Report vide his Ref. No. 05 dated 03.01.2022. The status and action taken report is enclosed.
- vii. The observation of Regional Officer related to OB dumps, development of green belt and other plantation, siltation of drains & sedimentation ponds are progressive and recurring in nature where due action has already been taken by the project. Overall, the compliance of statutory conditions is satisfactory and improving continually.
- viii. Regular monitoring of air quality, noise, & surface water quality is also undertaken fortnightly at Dakra OCP. The latest monitoring reports are enclosed. It can be seen from the environment monitoring data that the parameters were found within prescribed limits except few aberrations which can be attributed to the specific local conditions during the day of sampling. The data of water quality monitoring depicts that the water quality in the project is under prescribed limits.
- ix. For control of dust particularly during dry seasons several additional measures have been taken these are
 - a. 30 nos of fixed water sprinklers along the coal transportation road of Purnadih OCP has been constructed
 - b. Guard walls at the coal dump has been constructed
 - c. Feeder crushers at KDH Siding have been fitted with water sprinkling system which is interlinked with crushing system.
 - d. 20 fixed water sprinklers have been installed along the siding.
 - e. Two high capacity mobile sprinklers of 28 kiloliter capacity are deployed for dust control at siding and in project.
 - f. Installation of PM₁₀ analyzer at the siding is completed.



686/DKC/OO/MC

- g. all the OB dumps are internal in nature. The angle of OB dumps is such that during rainfall the water is diverted inside the mines only and get collected in the 2 mine sumps, having a combined capacity of more than 100 million gallons.
- h. These sumps act as siltation ponds and ground water recharge ponds. The runoff water during heavy monsoon from coal heaps also gets stored in these sumps. The water from the sumps is subsequently used in mining and allied operations like water sprinkling etc.
- i. Afforestation on reclaimed area is being carried out by Forest Dept. Govt of Jharkhand. The details of reclamation are given as follows

Year	Area (ha)	No of plants
2012-13	5	12500
2013-14	3.45	8625
2017-18	9.1	22750
2018-19	7.4	18500
2020-21	9.00	22500
total	33.9	87875

- x. In addition, Central Coalfields Limited also spend huge amount of money for CSR activities apart from providing employment to Project Affected Persons. The CSR activities include drinking water supply by construction of deep bore, handpumps, wells and providing water purifiers in schools, construction of toilets distribution of sports items, health equipment to differently abled persons and COVID relief in the 14 panchayats of NK Area. The CSR expenditure of the area is given below;

Payment Head	2017-18	2018-19	2019-20	2020-21	2021-22
NK Area CSR Expenditure (Rs. Lakhs)	51.02	49.88	30.66	49.36	33.5

- xi. Further the expenditure towards District Mineral Foundation Trust, Royalty, NMET is given below:

Payment Head	2017-18	2018-19	2019-20	2020-21	2021-22
District Mineral Foundation Trust (Rs. Crores)	7.64	8.36	6.87	0.31	4.97
Royalty(Rs.Crores)	29.88	22.76	30.04	15.88	14.40
NMET (Rs.Crores)	0.49	0.47	1.19	0.95	0.24

Whereas, your reply confirm that you are not conversant to environmental loss and not serious to the compliance of the Board's direction. Hence, in the light of the above fact your reply does not sound reasonable and so, your request for waiver of environmental compensation is hereby rejected.

Now, therefore, by exercising the powers conferred under Section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 31 (A) Of the Air (Prevention and Control of Pollution) Act, 1981; the following directions are being issued:

- (d) to deposit the Environmental Compensation on INR 13,02,18,750.00/- (i.e. Rupees Thirteen Crores Two Lakhs Eighteen Thousand Seven Hundred Fifty only) within 07 days of issuance of this letter, in case of failure to do so an interest of 12% per annum will be charged from 25.01.2022 and legal action may be initiated and process will be initiated for rejection of CTO or closure of the mine.



687/DKC/OO/MC

- (e) to comply all the deficiencies found during inspection i.e construction of toe wall, garland drain and settling pit around the external dump within 3 months from issuance of this letter.
- (f) to submit the name of the official(s) responsible for non-installation of Ambient Air Quality Monitoring Station.

34

This issues with the approval of competent authority.

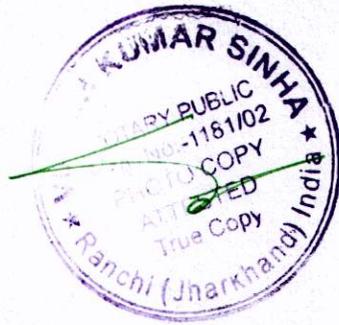
Memo No. B-870

Copy to: The Regional Officer, JSPCB, Regional Office-cum-Laboratory, Hazaribagh for information and necessary action.

Sd/-
(Y. K. Das)
Member Secretary
Ranchi, dated... 02/09/2022

(Y. K. Das)
Member Secretary

q/c





झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद

Jharkhand State Pollution Control Board

नगर प्रशासन भवन, एच0ई0सी0, धुर्वा, राँची

दूरभाष : 2400851, 2400852, 2400979 फ़ैक्स : 0651- 2400850 / 138,

Web: www.jspcb.nic.in (new) [www.jspcb.org\(old\)](http://www.jspcb.org(old))

E-mail: ranchiispcb@gmail.com

Ref. No. B-1109

Ranchi, dated 10/6/2021

From,

Y. K. Das
Member Secretary

To,

Project Officer,
M/s Purnadih OCP,
At+PO- Henzada, Katki, Dendua,
Distt- Chatra

Sub: Final show-cause notice for non-submission of Environmental Compensation-reg.

Whereas, Environmental Clearance (EC) was granted for "Purnadih Opencast Expansion Coal Mine Project (3 MTPA with a peak production of 3.45 MTPA) of M/s Central Coalfields Limited located in villages Dembua, Henjda and Kutki, in Block-Tandwa in District- Chatra, Jharkhand" over an ML area of 751.74 Ha by MoEF, GoI vide F. No. J-11015/36/2007-IA-II(M), dated 19.05.2009.

Whereas, No Objection Certificate (Consent to Establish) to M/s Purnadih Open Cast Project (Coal) for settling up a Open Cast Coal Mines for manufacturing of Coal at Mauza- Purnadih, PO- Bahera, Distt- Chatra (Jharkhand) for coal production - 3 MTPA by the Board vide ref. no. LN-314, Ranchi, dated 16.11.2010.

Whereas, the last Consent to Operate (CTO) was granted to your unit vide Board's ref. no. JSPCB/HO/RNC/CTO-8709167/2021/180 dated 03.02.2021 for the mining of coal- 3 MTPA for the period upto 31.12.2022.

Whereas, an original application no. 37/2020/EZ Sanjay Chauhan Vs. Central Coalfields Limited & Ors. (Purnadih Open Cast Coal Mining Project) has been filed by the applicant before the Hon'ble NGT, Eastern Zone Bench, Kolkata alleging non-compliance of the conditions of Environmental Clearances (EC) dated 19.05.2009 granted by the Ministry of Environment, Forest and Climate Change (MoEF and CC) in favour of the Central Coalfields Ltd. For the Purnadih opencast Coal Mine situated in Chatra district of Jharkhand State. The first hearing which was held on 22.06.2020. In which the Hon'ble Tribunal constituted a committee comprising of the following:

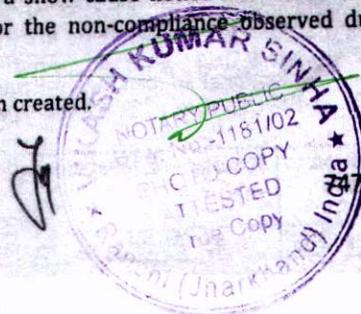
- The Regional Office, MoEF & CC, Ranchi;
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- The Jharkhand State Pollution Control Board (State PCB) and,
- Dr. Sharad Lele, Member of the Expert Appraisal Committee, MoEF and CC.

Whereas, the committee was directed to jointly inspect the project in question, verify on the factual aspects and submit a report.

Whereas, the committee has visited the site (Purnadih Open Cast Project) on 03.09.2021 and submitted its report.

Whereas, in light of the Committee's report a show-cause notice was issued to the unit vide Board's ref. no. B-2016 Ranchi, dated 15.12.2020 for the non-compliance observed during the site inspection which is as follows:

- Separate top soil dump has not been created.



87/DKC/00/MC

- (ii) No catch drain, siltation pond and retaining wall was found around the coal dumped resulting in risk of polluted runoff entering low lying area; coal dust from roads and adjacent drains has chances of flowing into river Damodar;
- (iii) Green belt had not been developed in adequate manner.
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- (vii) Mouth of pucca drains constructed by you along the road used for coal transport were let into the Damodar river without any effective arrangement for preventing coal dust flowing into the river.
- (viii) From one of the coal dumps in the project site the surface run off was flowing out without any catch drain, siltation pond etc.

Whereas, in response to the show cause notice you had submitted your compliance report vide your Ref. No. PO(Purnadih)/20-21/envt/1017 dated 29.12.2020.

Whereas, the Regional Officer, JSPCB Regional Office, Hazaribagh was directed to submit verification report specifically in the light of the reply submitted by the unit vide Board's Ref. No.- B-03 dated 01.01.2021.

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3. All the coal dump are internal in nature within the mine lease area.
4. Green belt-tree plantation has been done along road and on reclaimed land 24.9 Ha.
5. Piezometer - for the ground water monitoring piezometer has been installed.
6. Water sprinklers - 30 nos of fixed water sprinklers have been installed along haul road inside the mine area. Water Spraying is also done by 2 nos. of 28 KL. tankers on haul road.
7. No CHP CHP has been constructed. Coal is sent to KDH railway siding by covered trucks/hyvas.
8. Surface rain water is collected in abandoned coal mine pit and roof top rain water is collected in rain water harvesting pit.

Whereas, the Regional Officer, JSPCB Regional Office, Hazaribagh was again directed to submit the Current Inspection Report with clear recommendation with regard to each & every observation made by the Committee Vide Board's Ref. No. B-2278, Ranchi, dated 27.12.2021.

Whereas, the Regional Officer, JSPCB Regional Office, Hazaribagh has submitted the Inspection Report vide his Memo. No. 05 dated 03.01.2022. The observations of which is as follows:

Question	Finding of previous inspection report	Recent Inspection Report
Top soil is	a) Mixing of topsoil with	It is an internal dump and on



not kept separately.	<p>overburden (OB) material, instead of creating a separate topsoil dump.</p> <p>b) No catch drain, retaining wall, grassing and vegetation for external OB dump.</p> <p>c) No catch drain, siltation pond and retaining wall around coal dump, resulting in risk of polluted runoff entering low-lying area; coal dust from roads (from Purnadih OCP to KDH railway siding) and adjacent drains had chances of flowing into river Damodar if proper precautions not taken.</p> <p>d) Green belt inadequate around roads and plantation on reclaimed lands inadequate; no plantation activity in last two years.</p> <p>e) KDH siding not in compliance with norms; coal dust emission at feeder breaker area of KDH railway siding, inadequate green belt development around siding, and drains from KDH siding may carry pollution into nearby nallahs/streams unless preventive measures are taken.</p> <p>f) It was not clear how groundwater monitoring was being done; groundwater level data had not been submitted to MoEF and CC, and Piezometer did not appear to have been installed.</p>	<p>topsoil dump and on 9 ha. Area of the dump tree plantation has been done.</p> <p>External OB dump is on 6 Ha. Of land and tree plantation with grassing has been done, which is settled.</p> <p>Coal from Purnadih to KDH railway siding is carried by the tarpaulin covered trucks/hyvas. Regular water spraying is being done on road to suppress the dusts. Tree plantation along road has been done.</p> <p>Tree plantation along road has been done.</p> <p>KDH railway siding lie within Ranchi district.</p> <p>Unit has installed the Piezometer to monitor ground water level.</p>
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Moreover, in the light of the above facts it has also been recommended to take action for not constructing toe wall, garland drain and settling pit around the external dump.

Whereas, the competent authority has ordered to calculate the Environmental Compensation against your unit as per the report of the CPCB In house committee on Methodology for Assessing Environmental Compensation and Action Plan to utilize the fund. The detail of calculation of Environmental Compensation is detailed as below:



749/DKC/00/MC

Nature of violation – Discharges in violation of consent conditions, mainly prescribed standards/consent limits.

Basis to levy the Environmental Compensation – Pollution Index

The environmental compensation is based on the following formula:

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

Where,

EC – Environmental Compensation
PI – Pollution Index of Industrial Sector
N – Number of days of violation took place
R – A factor in rupees for EC
S – Factor of scale of operation
LF – Location Factor

Now in this case,

PI is to be taken as 75 as the industry belongs to Green category (as per CPCB's guidelines.)

N is to be taken as 4630 days from 19.05.2009 to 20.01.2022.

R is to be taken as 250 (as per CPCB's guidelines).

S is to be taken 1.5 as the unit belongs to Small Scale Unit as per Notification No. - S.O. 1702(E).—dated 01/06/2020 of Ministry of Micro, Small and Medium Enterprises (S could be 0.5 for micro or small, 1.0 for medium and 1.5 for large units as per CPCB Guidelines).

LF is to be taken as 1.00 as the total population of Ramgarh town is 1 million (District Census Handbook, Ramgarh of 2011).

Therefore,

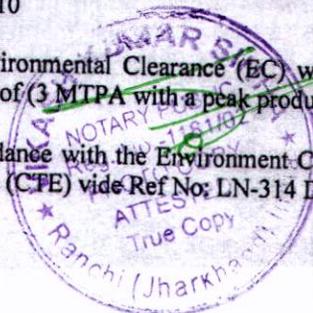
$$\begin{aligned} EC \text{ (Per day)} &= PI \times R \times S \times LF \\ &= 75 \times 250 \times 1.5 \times 1 \\ &= \text{INR } 28,125.00 \end{aligned}$$

Henceforth, the Environmental Compensation for one day comes out to be INR 28,125.00/- So the total Environmental compensation for 4630 days comes out to be INR 13,02,18,750.00/- (i.e. Rupees Thirteen Crores Two Lakhs Eighteen Thousand Seven Hundred Fifty only).

Whereas, earlier vide Board's order vide ref. no. B-215, dated 25.01.2022, you were directed to submit the amount of environmental compensation.

Whereas, reply has been submitted to you vide Ref. No. PO/PND/Environmental Compensation/2021-22/1347, dated 08.03.2022 in which following has been mentioned:

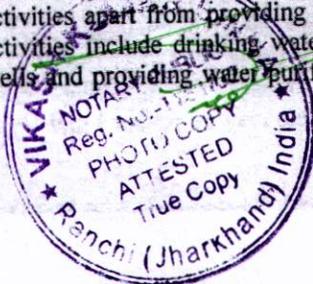
- i. Central Coalfield Ltd. (CCL) is engaged in coal mining and sale of coal both from open cast and underground mines in the State of Jharkhand. It is involved in mining of coal for various core-sectors of country such as Power, Steels industries etc.
- ii. Purnadih OCP is a running mine of CCL where mining operation started from FY 2009-2010
- iii. The Environmental Clearance (EC) was granted to the project on 19.05.2009 for a capacity of (3 MTPA with a peak production 3.45 MTPA) over an area of 751.74 Ha.
- iv. In accordance with the Environment Clearance, project has been granted Consent to Establish (CTE) vide Ref No: LN-314 Dated: 16.11.2010 for capacity of 3.00 MTPA.



- v. The last CTO of the project was also issued vide Ref No: JSPCB/HO/RNC/CTO-8709167/2021/180 Dated: 03.02.2021 which is valid upto 31.12.2022.
- vi. Regional Officer, JSPCB Regional Office, Ranchi has also submitted the inspection Report vide his Ref. No. 05 dated 03.01.2022. The status and action taken report is enclosed.
- vii. The observation of Regional Officer related to OB dumps, development of green belt and other plantation, siltation of drains & sedimentation ponds are progressive and recurring in nature where due action has already been taken by the project. Overall, the compliance of statutory conditions is satisfactory and improving continually.
- viii. Regular monitoring of air quality, noise, & surface water quality is also undertaken fortnightly at Dakra OCP. The latest monitoring reports are enclosed. It can be seen from the environment monitoring data that the parameters were found within prescribed limits except few aberrations which can be attributed to the specific local conditions during the day of sampling. The data of water quality monitoring depicts that the water quality in the project is under prescribed limits.
- ix. For control of dust particularly during dry seasons several additional measures have been taken these are
- 30 nos of fixed water sprinklers along the coal transportation road of Purnadih OCP has been constructed
 - Guard walls at the coal dump has been constructed
 - Feeder crushers at KDH Siding have been fitted with water sprinkling system which is interlinked with crushing system.
 - 20 fixed water sprinklers have been installed along the siding.
 - Two high capacity mobile sprinklers of 28 kiloliter capacity are deployed for dust control at siding and in project.
 - Installation of PM₁₀ analyzer at the siding is completed.
 - all the OB dumps are internal in nature. The angle of OB dumps is such that during rainfall the water is diverted inside the mines only and get collected in the 2 mine sumps, having a combined capacity of more than 100 million gallons.
 - These sumps act as siltation ponds and ground water recharge ponds. The runoff water during heavy monsoon from coal heaps also gets stored in these sumps. The water from the sumps is subsequently used in mining and allied operations like water sprinkling etc.
 - Afforestation on reclaimed area is being carried out by Forest Dept. Govt of Jharkhand. The details of reclamation are given below:

Year	Area (ha)	No of plants
2012-13	5	12500
2013-14	3.45	8625
2017-18	9.1	22750
2018-19	7.4	18500
2020-21	9.00	22500
total	33.9	87875

- x. In addition, Central Coalfields Limited also spend huge amount of money for CSR activities apart from providing employment to Project Affected Persons. The CSR activities include drinking water supply by construction of deep bore, handpumps, wells and providing water purifiers in schools, construction of toilets distribution of



751/DKC/00/MC

sports items, health equipment to differently abled persons and COVID relief in the 14 panchayats of NK Area. The CSR expenditure of the area is given below;

Payment Head	2017-18	2018-19	2019-20	2020-21	2021-22
NK Area CSR Expenditure (Rs. Lakhs)	51.02	49.88	30.66	49.36	33.5

xi. Further the expenditure towards District Mineral Foundation Trust, Royalty, NMET is given below:

Payment Head	2017-18	2018-19	2019-20	2020-21	2021-22
District Mineral Foundation Trust (Rs. Crores)	7.64	8.36	6.87	0.31	4.97
Royalty (Rs. Crores)	29.88	22.76	30.04	15.88	14.40
NMET (Rs. Crores)	0.49	0.47	1.19	0.95	0.24

Whereas, your reply confirm that you are not conversant to environmental loss and not serious to the compliance of the Board's direction. Hence, in the light of the above fact your reply does not sound reasonable and so, your request is denied.

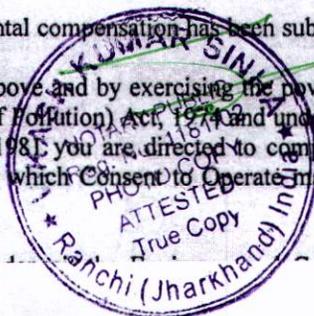
Whereas neither any reply has been received by the Board nor any representation has been filed.

Whereas, earlier vide Board's ref. no. B-870, dated 02.05.2022 second show-cause alongwith the following directions was issued:

- i. to deposit the Environmental Compensation on INR 13,02,18,750.00/- (i.e. Rupees Thirteen Crores Two Lakhs Eighteen Thousand Seven Hundred Fifty only) within 07 days of issuance of this letter, in case of failure to do so an interest of 12 % per annum will be charged from 25.01.2022 and legal action may be initiated.
- ii. to comply all the deficiencies found during inspection i.e construction of toe wall, garland drain and settling pit around the external dump within 3 months from issuance of this letter.
- iii. to submit the name of the official(s) responsible for non-installation of Ambient Air Quality Monitoring Station.

Whereas, neither any environmental compensation has been submitted nor any reply has been received.

Now, therefore, in view of the above and by exercising the powers vested under Section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 31 (A) of the Air (Prevention and Control of Pollution) Act, 1986 you are directed to comply the following within 7 days of the receipt of this intimation failing which Consent to Operate may be revoked and legal action will be initiated against the unit:



(i.e. Rupees Thirteen Crores Two Lakhs Eighteen Thousand Seven Hundred Fifty only) within 07 days of issuance of this letter, in case of failure to do so an interest of 12 % per annum will be charged from 25.01.2022 and legal action may be initiated.

- ii. to comply all the deficiencies found during inspection i.e construction of toe wall, garland drain and settling pit around the external dump within 3 months from issuance of this letter.
- iii. to submit the name of the official(s) responsible for non-installation of Ambient Air Quality Monitoring.

This issues with the approval of competent authority.

Memo No.....B-1109

Sd/-
(Y. K. Das)
Member Secretary
Ranchi, dated...10/6/2022

Copy to: The Regional Officer, JSPCB, Regional Office-cum-Laboratory, Hazaribagh for information and necessary action.

(Y.K. Das)
Member Secretary

