

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No: 38 of 2020 (EZ)

Sanjay Chauhan

Applicant

Vs.

Central Coalfields Ltd. & Ors.

Respondents

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Filed by: -

  
Surendra Kumar  
Advocate

Jharkhand State Pollution Control Board



**BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA**

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

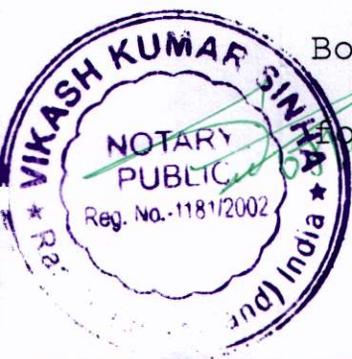


2. That I have gone through the order dated 05.05.2022 passed by the Hon'ble NGT and has understood the contents therein.

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 Dakra OCP (including Dakra Siding), CCL by denying their request to waive of environmental compensation as the amount of environmental compensation pertains to non-compliance of various conditions some of them are partially complied so it was evident that they have not complied the various conditions, vide Board's Ref. No. B-854, dated 02/05/2022 and the

following directions were issued: -



07 JUL 2022

a) to deposit the Environmental Compensation of INR 9,92,81,250.00/- (i.e., Rupees Nine Crores Ninety-Two Lakhs Eighty-One Thousand Two 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 garland drains, permanent retaining wall, approach road, repair of pot holes, installation of fixed type sprinklers and development of 3 tier plantation within 2 months from issuance of this letter.

Photocopy of Board's Ref. No. B-854, dated 02/05/2022 is annexed as **Annexure - I**.

5. That, it is humbly stated and submitted that a Closure notice 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 was issued to

7 JUL 2022



M/s Dakra OCP (Including Dakra Siding), CCL vide Board's Ref. No. B-1266, dated 04/07/2022 as neither the Environmental Compensation nor the reply was received by the Board.

Photocopy of Board's Ref. No. B-1266, dated 04/07/2022 is annexed as **Annexure - II**.

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

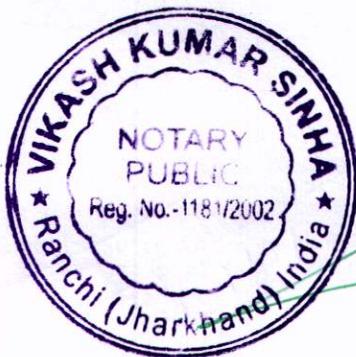
*Yati - Dakra Siding*  
DEPONENT

**VERIFICATION:**

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

27 JUL 2022

*Yati - Dakra Siding*  
DEPONENT



*07/07/22*  
*Vikash Kumar Sinha*  
NOTARY PUBLIC RANCHI

*Yati - Dakra Siding*  
Signature Attested on  
Identification of Lawyer



A-I  
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## झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद

### JHARKHAND STATE POLLUTION CONTROL BOARD

T.A. DIVISION BUILDING (GROUND FLOOR), H.E.C., DHURWA, RANCHI -834004

Phone.: 0651-2400851/2400852/2400979/2401847, Fax-0651-2400850/138.

Web site : www.jspcb.nic.in; e-mail : ranchijspcb@gmail.com

Ref. No. .... B-354

Date.. 02/15/2022

From,

Y. K. Das  
Member Secretary

To,

Project Officer,  
M/s Dakra OCP ( Including Dakra Siding), C.C.L.  
P.O.- Dakra, Dist - Ranchi

**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 – Regarding.**

Whereas, Environmental Clearance was granted for “Dakra OCP (0.55 MTPA Normative and 0.63 MTPA Peak in an ML area of 249.72 Ha.) of M/s. Central Coalfields Ltd. located in North Karanpura Coalfields, Village Bukbuka, Block Burmo, district Ranchi, Jharkhand” by MoEF&CC vide No. J-11015/49/2009-IA.II(M) dated 03.05.2012.

Whereas, you were granted Consent to Establish (CTE) granted vide Board's Ref. No. G-4332 dated 13.11.2013. The relevant part of which is as follows:-

PROJECT	SITE AREA		Investment (Rs)	Product & Capacity	Period of CTE
	Plot Nos.	Area			
Before Expansion	As per EC	249.72 Ha.	4500 Lac	Coal-0.55 million TPA (normative) and 0.63 million TPA (peak)	Six month from date of issue

Whereas, the last - CTO was granted to your unit vide Board's Ref No. JSPCB/HO/RNC/CTO-11008208/2021/1686 dated 31.12.2021. The relative part of which is as follows:-

PROJECT	SITE AREA		Investment (Rs)	Product & Capacity	Period of CTO
	Plot Nos.	Area			
Before Expansion	As per EC	249.72 Ha	4500.0 Lac	Coal - 0.55 MTPA (Normative) and 0.63 MTPA (Peak), Dakra Railway Siding	Date of issue to 31.12.2022

Whereas, an Original Application No. 27/2020/EZ Sanjay Chauhan versus Central Coalfields Ltd. &Ors. (Rohini Opencast Coal Mining Case) has been filed by the applicant before the Hon'ble NGT, Eastern Zone Bench, Kolkata pointing out non-compliance of the conditions of the environment clearance dated 05.10.2009 and 21.02.2017 granted by the MoEF& CC in favour of the Central Coalfields Ltd. for the Rohini Opencast Coal Mine situated in Karanpura region of Jharkhand State. The first hearing of which was held on 11.05.2020. In which the Hon'ble Tribunal constituted a Committee comprising of the following: -

- (i) Regional office, MoEF& CC, Ranchi
- (ii) Regional office, CPCB, Regional office, Kolkata
- (iii) The Jharkhand State Pollution Control Board
- (iv) Dr. Sharad Lele, Member of the Expert Appraisal Committee, MoEF& CC.

The committee was directed to visit the project in question, verify on the factual aspects and submit a report.

Whereas, the committee has visited the site (Rohini Open Cast Project) on 02/09/2020 and submitted its report (Copy of Committee's Report already shared).

Whereas, in light of the committee's report a show cause notice was issued to your Unit vide Board's Ref. No.



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B-1641 dated 21.10.2020 for the non-compliance observed during the site inspection which is as follows: -

- (i). "The approach road to the railway siding was in bad condition, creating the likelihood of coal spillage from the dumpers. Road near the railway siding had few pot holes and it was broken at places and it should be repaired urgently.
- (ii). The railway siding itself was in only partial compliance with the CPCB guideline of 2015 and with the Specific Condition (x) in the EC. In particular, first, the wind screens are temporary and collapsing.
- (iii). No permanent retaining wall as required by the EC has been constructed.
- (iv). A thick layer of coal is piled up on the platform.
- (v). the surface runoff from the siding is poorly handled.
- (vi). The constructed drain is incomplete and the polluted runoff is spreading in low not reaching the settling tank constructed recently.
- (vii). Project proponent has not developed either thick 3-tiered plantation of adequate wind barrier to control the fugitive dust from the railway siding in the direction of the residential area.
- (viii). Fixed water sprinklers should also be provided along the haul road from Mohan Nagar Chowk to Dakra Railway siding because there would be lot of coal dust on the roads in that area.
- (ix). There is no 3-tier green belt on both sides of the approach road, nor is there a dense 3-tier green belt around the mine lease boundary, and there is inadequate green belt development at Dakra railway siding, although a major road/highway passes adjacent to the siding.
- (x). Some catch drains were provided on one side of the Dakra railway siding but there were no siltation ponds. As a result water carrying coal dust spread in the nearby area.
- (xi). Retaining wall was observed around the old O/B dumps of Dakra OCP. But at a few places, the wall was broken and it should be repaired urgently.

Whereas, in response to the show cause notice you had submitted your compliance report vide your Ref. No. PO/Dakra/Envvt/20-21/1177 dated 02.11.2020.

Whereas, the Board has directed the Regional Officer, JSPCB Regional Office, Ranchi to carry out an inspection for verification of the compliances submitted by you vide Ref. No. - B - 1809 dated 10.11.2020.

Whereas, the Board has again directed the Regional Officer, JSPCB Regional Office, Ranchi to carry out an inspection for verification of the compliances submitted by you vide Ref. No. - B - 1124 dated 13.08.2021.

Whereas, the Regional Officer, JSPCB Regional Office, Ranchi has submitted the current Compliance Status Report vide his letter No. 540, Ranchi, dated 18.08.2021. The observations of which is as follows: -

Sl.	Observation	Compliance
i	The approach road to the railway siding was in bad condition, creating the likelihood of coal spillage from the dumpers. Road near the railway siding had few pot holes and it was broken at places and it should be repaired urgently.	The approach road to the railway siding has not been repaired. The pot holes near railway siding have been partially repaired.
ii	The railway siding itself was in only partial compliance with the CPCB guideline of 2015 and with the Specific Condition (x) in the EC. In particular, first, the wind screens are temporary	Partially complied. 1. Permanent wind breaking wall has not been constructed. 2. Fixed water sprinklers have been installed

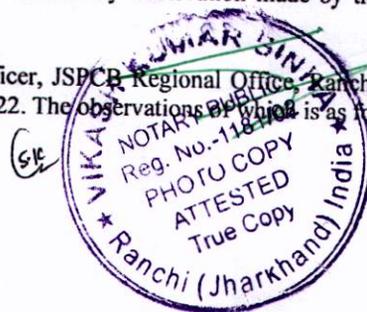


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	and collapsing	<p>3. Plant density should be increased.</p> <p>4. Settling pond has been constructed to store surface runoff.</p> <p>5. PM10 Analyser has not been installed.</p>
iii	No permanent retaining wall as required by the EC has been constructed	Toe wall of approx 135mtrs. length has been constructed.
iv	A thick layer of coal is piled up on the platform.	Coal was found piled up on the platform for loading.
v	The surface runoff from the siding is poorly handled.	Settling pond has been constructed to store surface runoff but proper drainage system has not been completed.
vi	The constructed drain is incomplete and the polluted runoff is spreading in low not reaching the settling tank constructed recently.	Partially Complied. Proper drain has not been completed
vii	Project proponent has not developed either thick 3-tiered plantation of adequate wind barrier to control the fugitive dust from the railway siding in the direction of the residential area.	Green belt development has been done between Railway siding, road and residential area.
viii	Fixed water sprinklers should also be provided along the haul road from Mohan Nagar Chowk to Dakra Railway siding because there would be lot of coal dust on the roads in that area.	Fixed water sprinklers have not been provided along the haul road from Mohan Nagar Chowk to Dakra Railway siding.
ix	There is no 3-tier green belt on both sides of the approach road, nor is there a dense 3-tier green belt around the mine lease boundary, and there is inadequate green belt development at Dakra railway siding, although a major road/highway passes adjacent to the siding	3-tier green belt development have not been done along the approach road, mine lease boundary and in Railway siding.
x	Some catch drains were provided on one side of the Dakra railway siding but there were no siltation ponds. As a result water carrying coal dust spread in the nearby area.	Siltation ponds has not been constructed
xi	Retaining wall was observed around the old O/B dumps of Dakra OCP. But at a few places, the wall was broken and it should be repaired urgently.	Broken retaining wall around the old OB dumps has been repaired.

Whereas, the Regional Officer, JSPCB Regional Office, Ranchi was directed to submit the current Inspection Report, in light of the each and every observation made by the committee Vide Board's Ref. No. B - 2273, Ranchi, dated 27.12.2021.

Whereas, the Regional Officer, JSPCB Regional Office, Ranchi has submitted the Inspection Report vide his Ref. No. 08 dated 03/01/2022. The observations which is as follows: -



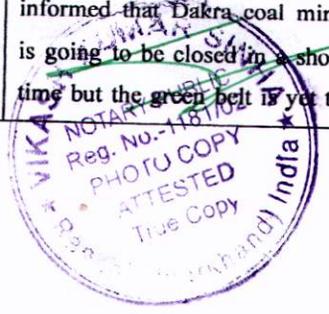
1	<b>Petitioner's Complaint</b>	<b>Observations of the Committee appointed by the Hon'ble National Green Tribunal in Sanjay Chauhan Vs. CCL &amp; Ors. O.A 38/2020/EZ vide order dated-22.06.2020.</b>	<b>Current Status</b>
	<b>Non-construction of Coal Handling Plant (CHP) and consequent pollution</b> (citing Specific Condition xi in the EC of 2012)	a) Clearly, The project did not envisage the construction of CHP , Nor it was required to do so under the EC conditions, and as such there is no-Non Compliance resulting in the absence of a CHP.	The unit has not violated EC Conditions as per the Committee.
		i)The approach road of the siding was in bad condition, creating the likelihood (and Showing clear signs) of coal spillage from the dumpers. Road near the dakra railway siding had few pot holes and it was broken at places and it should repaired urgently.	The approach road near Dakra Railway Siding was found in bad condition and pot holes have been partially repaired.
		ii) The Dakra Railway Siding itself was in only partial compliance with CPCB guidelines of 2015 and the specific conditions (X) in the EC. In particular, first, the windscreens are temporary and collapsing (as also acknowledged by the Project Proponent in their written submission) Second, no permanent retaining wall as required by the EC has been constructed. Third, a thick layer of coal is piled up on the platform Fourth, the surface runoff from the siding is poorly handled: the constructed drain is incomplete and the polluted runoff is spreading in low not reaching the settling tank constructed recently	First, The wind screen is still in the same condition and during inspection the temporary cloths used for wind screen were found in torn condition.  Second, No permanent retaining wall has been constructed.  Third, Thick layer of coal was found piled up on the platform of Siding.  Fourth, Constructed Garland drain is still incomplete and polluted runoff found spread in low lying area, and part of runoff was going into the settling tank.  No thick 3- tiered plantation and adequate wind barrier have been provided by the unit to control the fugitive dust from the Railway Siding.

Project Proponent has not  
 NOTARY  
 Reg. No. 1181102 has  
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 ATTESTED  
 True Copy  
 Ranchi, Jharkhand, India

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		developed either thick 3-tiered plantation or adequate wind barrier to control the fugitive dust from the railway siding in the direction of the residential area. Water spraying system was provided area feeder breaker/crusher at Dakra Railway siding but then also some coal dust emission occurred.	During inspection both feeder breaker at the siding were found non-operational.
		iii. Fixed water sprinklers should also be provided along the haul road from Mohan Nagar Chowk to Dakra Railway siding because there would be lot of coal dust on the roads in that area.	No fixed water sprinklers have been installed between the Mohan Nagar Chowk to Dakra Railway siding by the unit.
2	<b>Petitioner's Complaint</b> <b>Development of Green Belt is not in compliance with EC conditions.</b>	a) The development of plantations on OB dump, backfilled area, etc. is reasonably satisfactory	The unit has done plantation in OB dump backfilled area is reasonably satisfactory.
		b) However, there is no 3-tier green belt on both sides of the approach road, nor is there a dense 3-tier green belt around the mine lease boundary, and there is inadequate green belt development at the Dakra railway siding, although a major road/highway passes adjacent to the siding.	No 3-Tier plantations have been done around mine lease boundary and Dakra railway siding.
		c) There were no new plantations green belt developments in the Dakra project area for last couple of years. Project authorities informed that Dakra coal mine is going to be closed in a short time but the green belt is yet to	The unit has informed that no plantation has been done after 2017.

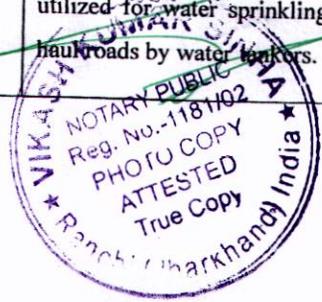
Ex-2



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		be completed as per EC conditions and as per commitment in the EIA/EMP.	
3	<p><b>Petitioner's complaint:</b></p> <p><b>That provisions for water management and prevention of surface runoff are inadequate and in particular no details or data from the monitoring of groundwater levels are being provided</b></p>	<p>a) Some catch drains were provided on one side of the Dakra railway siding but there were no siltation ponds. As a result water carrying coal dust spread in the nearby area. Siltation ponds should be constructed urgently so that coal dust settles in there before flowing to nearby areas. In the absence of such adequate catch drains/siltation ponds, coal dust from Dakra railway siding was flowing in the seasonal nallah there which would then mingle with Sonadaba nallah near Mohan Nagar Colony.</p>	No siltation pond has been constructed and water flowing with coal dust found spread in nearby area.
		<p>b) Retaining wall was observed around the old O/B dumps of Dakra OCP. But at a few places, the wall was broken and it should be repaired urgently.</p>	Broken retaining wall has been repaired.
		<p>c) Coal dump was observed inside the Dakra Mine project area. Drains were made around it so that coal dust water goes inside the Dakra Mine sump area.</p>	Complied.
		<p>d) Water was observed in lower most portion of Dakra mine in mine sump. Project authorities informed that, as per EC conditions sump water was utilized for water sprinkling on haulroads by water tankers.</p>	Sump water is used for water sprinkling purpose.

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Signature

		<p>e) There was no piezometer installed in the project for groundwater monitoring. However, the Project Proponent has carried out groundwater level monitoring using a network of open wells around the mine. The committee members visited one of the monitoring wells at Mohan Nagar colony and checked the monitoring logs. Furthermore the Project Proponent has submitted details of open well monitoring, which was done by CMPDI. Monitoring data from 2016 to 2020 are given below in Table 1.</p>	<p>No piezometer has been installed within mine lease hold area. No recent data of Ground level monitoring have been submitted.</p>
4	<b>Other observations</b>	<p>There is an overall policy issue that needs to be highlighted. The focus of EC conditions is on various measures to be adopted towards pollution control (transport by rail, creation of green belts, use of sprinklers, creation of catch drains, etc.). But the only way to know whether these measures are having the desired outcomes is to carry out frequent and continuous monitoring of ambient environmental conditions at multiple locations most relevant to public health and ecosystem impact. Currently, air and water</p>	<p>The unit has installed PM10 analyser but data is not being transmitted to JSPCB Server.</p> <p>The unit may be directed to install CAAQMS at four places at Dakra OCP and nearby area with connectivity to JSPCB Server.</p> <p>The data of water quality, groundwater levels monitoring may be uploaded on the site.</p> <p>The unit may be directed to conduct Environmental Quality Monitoring from NABL accredited third party Laboratory.</p>



		<p>quality, groundwater levels, are required to be monitored in just 4-5 locations. Several of these locations are within the mine lease area, where the pollution levels permitted are also higher. For instance, the standard for PM10 in ambient air inside the mine lease area is <math>300\mu\text{g}/\text{m}^3</math> for Karanpura coal belt as per EPA Rules 1986, whereas the NAAQ standard for residential areas is <math>100\mu\text{g}/\text{m}^3</math>. Data submitted by the petitioner to this Committee, of 24-hour AAQ measurements done at 5 public locations in the Dakra area by a NABL-accredited lab, indicate very high levels of PM10 (<math>&gt;300\mu\text{g}/\text{m}^3</math>) and PM2.5 (<math>&gt;150\mu\text{g}/\text{m}^3</math>) when the standard is 100 and 60 respectively. One of these monitoring sites was the Mohannagar colony right next to Dakra railway siding. No such data are available publicly from any other independent source as a cross-check. This gap in ambient environmental quality monitoring and linking it to enforcement needs to be addressed, especially at a public level.</p>	<p>Recent data of AAQ , Noise level and Surface water monitored by CMPDI (HQ), Ranchi are attached.</p>
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Moreover, in light of the above facts it has also been recommended that the Dakra OCP has partially complied with the Hon'ble NGT committee observations and partially complied with EC conditions as mentioned above. The Dakra Railway Siding itself was in only partial compliance with CPCB guidelines of 2015. Suitable action may be taken against the unit under the provision of the Water (Prevention and control of pollution) Act, 1974 , the Air (Prevention and control of pollution) Act, 1981 and the Environment (Protection)Act, 1986.

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 Red category (as per CPCB's guidelines.)

N is to be taken as 3530 days from 03/05/2012 to 31/12/2021 (N – Number of days of violation took place is the period between the day of violation observed/due date of direction's compliance and the day of compliance verified by CPCB/SPCB/PCC).

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

S is to be taken 1.5 as the unit belongs to Large 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 Burmo is less than one million as per Census Data 2011 (District Census Handbook, Ranchi).

Therefore,

$$EC \text{ (Per day)} = PI \times R \times S \times LF$$

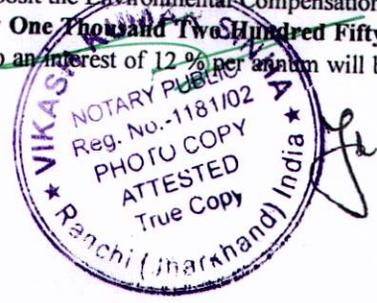
$$= 75 \times 250 \times 1.5 \times 1$$

$$= \text{INR } 28,125.00$$

Henceforth, the Environmental Compensation for one day comes out to be INR 28,125.00 So the total Environmental compensation for 3530 days comes out to be **INR 9,92,81,250/-** (i.e. **Rupees Nine Crore Ninety Two Lac Eighty One Thousand Two Hundred Fifty Only**).

Whereas, the Board has directed to deposit the Environmental Compensation of INR 9,92,81,250/- (i.e. Rupees Nine Crores Ninety Two Lac Eighty One Thousand Two Hundred Fifty Only) within 30 days of issuance of this letter, in case of failure to do so an interest of 12 % per annum will be charged and legal action may be initiated.

(St)



Whereas, earlier vide Board's order vide ref. no. B-210, dated 25.01.2022, you were directed to submit the amount of environmental compensation.

Whereas, in light of the show-cause notice, the unit has submitted its reply to the Board vide letter ref. no. GM(NK)/P&P/2021-22/203 dated 08.03.2022 .

Whereas, the Regional Officer, JSPCB Regional Office, Ranchi was directed to verify the status of compliance with respect to the reply submitted by the unit vide Board's Ref. No. B - 787, Ranchi, dated 20.04.2022.

Whereas, the Regional Officer, JSPCB Regional Office, Ranchi has submitted the Inspection Report vide his Ref. No. 296 dated 30.04.2022. The observations of which is as follows: -

Sl. No.	Observations	Remarks
1	The project did not envisage the construction of CHP, nor it was required to do so under the EC conditions and as such there is no non-compliance resulting in the absence of CHP	
2	The approach road of the siding was in bad condition, creating the likelihood (and Showing clear signs) of coal spillage from the dumpers. Road near the Dakra railway siding had few pot holes and it was broken at places and it should be repaired urgently.	The unit shall within 15 days repair the approach road and shall fill the pot holes.
3	<p>The Dakra Railway Siding itself was in only partial compliance with CPCB guidelines of 2015 and the specific conditions (X) in the EC. In particular, first, the windscreens are temporary and collapsing (as also acknowledged by the Project Proponent in their written submission)</p> <p>Second, no permanent retaining wall as required by the EC has been constructed.</p> <p>Third, a thick layer of coal is piled up on the platform</p> <p>Fourth, the surface runoff from the siding is poorly handled: the constructed drain is incomplete and the polluted runoff is spreading in low not reaching the settling tank constructed recently .</p> <p>Project proponent has not developed either thick 3-tiered plantation or adequate wind barrier to control the fugitive dust from the railway siding in the direction of the residential area. Water spraying system was provided area feeder breaker/crusher at Dakra Railway siding but then also some coal dust emission occurred.</p>	<p>Regarding installation of wind screen and construction of permanent retaining wall also completion of incomplete garland drains the unit shall be directed to complete the work within Two Months time frame.</p> <p>Regarding 3-Tier green belt presently the unit has not carried out mix plantation of native species along the railway siding for which the unit shall be directed to complete the same within Two Month time frame.</p> <p>Water sprinkling system has been installed at the siding</p>
4	Fixed water sprinklers should also be provided along the haul road from Mohan Nagar Chowk to Dakra Railway siding because there would be lot of coal dust on the roads in that area.	<p>It was observed that the unit was using mobile sprinklers for dust suppression on haul road and coal transport roads respectively.</p> <p>The unit shall be directed to install Fixed water sprinklers within Two Month time frame.</p>
5	<p>A)The development of plantations on OB dump, backfilled area, etc. is reasonably satisfactory</p> <p>B) However, there is no 3-tier green belt on both sides of the approach road, nor is there a dense 3-tier green belt around the mine lease boundary, and there is inadequate green belt development at the Dakra railway siding, although a major road/highway passes adjacent to the siding.</p>	The unit shall carry out 3-tier green belt plantation along the approach roads within Two Month time frame.

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	C) There were no new plantations green belt developments in the Dakra project area for last couple of years. Project authorities informed that Dakra coal mine is going to be closed in a short time but the green belt is yet to be completed as per EC conditions and as per commitment in the EIA/EMP.	
6	There is an overall policy issue that needs to be highlighted. The focus of EC conditions is on various measures to be adopted towards pollution control (transport by rail, creation of green belts, use of sprinklers, creation of catch drains, etc.). But the only way to know whether these measures are having the desired outcomes is to carry out frequent and continuous monitoring of ambient environmental conditions at multiple locations most relevant to public health and ecosystem impacts. Currently, air and water quality, groundwater levels, are required to be monitored in just 4-5 locations. Several of these locations are within the mine lease area, where the pollution levels permitted are also higher. For instance, the standard for PM10 in ambient air inside the mine lease area is 300µg/m <sup>3</sup> for Karanpura coal belt as per EPA Rules 1986, whereas the NAAQ standard for residential areas is 100µg/m <sup>3</sup> . Data submitted by the petitioner to this Committee, of 24-hour AAQ measurements done at 5 public locations in the Dakra area by a NABL-accredited lab, indicate very high levels of PM10 (>300µg/m <sup>3</sup> ) and PM2.5 (>150 µg/m <sup>3</sup> ) when the standard is 100 and 60 respectively. One of these monitoring sites was the Mohannagar colony right next to Dakra railway siding. No such data are available publicly from any other independent source as a cross-check. This gap in ambient environmental quality monitoring and linking it to enforcement needs to be addressed urgently at a policy level.	Letter regarding installation of CAAQMS & PM 10 analyzer has been submitted by the unit.  Recent AAQ, Noise Level effluent analysis report shall be submitted along with ground water monitoring report within 15 days.

Whereas, it is clear from the observation of the Regional Officer, Ranchi the construction of garland drains, permanent retaining wall, approach road, repair of pot holes, installation of fixed type sprinklers and development of 3-tier plantation have not been completed. Moreover, the amount of environmental compensation pertains to non-compliance of various conditions some of them are partially complied so it is evident that you have not complied various conditions.

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:

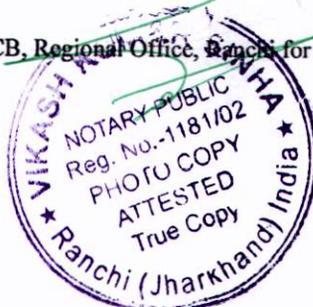
- (a) to deposit the Environmental Compensation on **INR 9,92,81,250/-** (i.e. **Rupees Nine Crore Ninety Two Lac Eighty One Thousand Two Hundred Fifty Only**) within 07 days of issuance of this letter, in case of failure to do so an interest of 12 % per annum will be charged from 25.01.2022 and legal action may be initiated.
- (b) to comply all the deficiencies found during inspection i.e construction of garland drains, permanent retaining wall, approach road, repair of pot holes, installation of fixed type sprinklers and development of 3-tier plantation within 2 months from issuance of this letter.  
This issues with the approval of competent authority.

Memo No. B-854  
Copy to: The Regional Officer, JSPCB, Regional Office, Ranchi

Ranchi, dated. 02/5/2022

Sd/-  
(Y. K. Das)  
Member Secretary

(Y. K. Das)  
Member Secretary



A-II



# झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद JHARKHAND STATE POLLUTION CONTROL BOARD

T.A. DIVISION BUILDING (GROUND FLOOR), H.E.C., DHURWA, RANCHI -834004

Phone.: 0651-2400851/2400852/2400979/2401847, Fax-0651-2400850/138,

Web site : www.jspcb.nic.in; e-mail : ranchijspcb@gmail.com

Ref. No. B-1266

Date: 24/7/2022

From,

A K Rastogi  
Chairman

To,

Project Officer,  
M/s Dakra OCP ( Including Dakra Siding), C.C.L.  
P.O.- Dakra, Dist - Ranchi

**Sub: - Closure notice under section 33A of Water (Pollution and Control of Pollution) Act, 1974 and under section 31 A of Air (Prevention and Control of Pollution) Act, 1981- reg.**

Whereas, Environmental Clearance was granted for "Dakra OCP (0.55 MTPA Normative and 0.63 MTPA Peak in an ML area of 249.72 Ha.) of M/s. Central Coalfields Ltd. located in North Karanpura Coalfields, Village Bukbuka, Block Burmo, district Ranchi, Jharkhand" by MoEF&CC vide No. J-11015/49/2009-IA.II(M) dated 03.05.2012.

Whereas, you were granted Consent to Establish (CTE) granted vide Board's Ref. No. G-4332 dated 13.11.2013. The relevant part of which is as follows:-

PROJECT	SITE AREA		Investment (Rs)	Product & Capacity	Period of CTE
	Plot Nos.	Area			
Before Expansion	As per EC	249.72 Ha.	4500 Lac	Coal-0.55 million TPA (normative) and 0.63 million TPA (peak)	Six month from date of issue

Whereas, the last CTO was granted to your unit vide Board's Ref. No. JSPCB/HO/RNC/CTO-11008208/2021/1686 dated 31.12.2021. The relative part of which is as follows:-

PROJECT	SITE AREA		Investment (Rs)	Product & Capacity	Period of CTO
	Plot Nos.	Area			
Before Expansion	As per EC	249.72 Ha	4500.0 Lac	Coal - 0.55 MTPA (Normative) and 0.63 MTPA (Peak), Dakra Railway Siding	Date of issue to 31.12.2022

Whereas, an Original Application No. 27/2020/EZ Sanjay Chauhan versus Central Coalfields Ltd. &Ors. (Rohini Opencast Coal Mining Case) has been filed by the applicant before the Hon'ble NGT, Eastern Zone Bench, Kolkata pointing out non-compliance of the conditions of the environment clearance dated 05.10.2009 and 21.02.2017 granted by the MoEF& CC in favour of the Central Coalfields Ltd. for the Rohini Opencast Coal Mine situated in Karanpura region of Jharkhand State. The first hearing of which was held on 11.05.2020. In which the Hon'ble Tribunal constituted a Committee comprising of the following: -

- (i) Regional office, MoEF& CC, Ranchi
- (ii) Regional office, CPCB, Regional office, Kolkata
- (iii) The Jharkhand State Pollution Control Board
- (iv) Dr. Sharad Lele, Member of the Expert Appraisal Committee, MoEF& CC.

The committee was directed to visit the project in question, verify on the factual aspects and submit a report.

Whereas, the committee has visited the site (Rohini Opencast Project) on 02/09/2020 and submitted its report (Copy of Committee's Report already shared).



Whereas, in light of the committee's report a show cause notice was issued to your Unit vide Board's Ref. No. B-1641 dated 21.10.2020 for the non-compliance observed during the site inspection which is as follows: -

- (i). "The approach road to the railway siding was in bad condition, creating the likelihood of coal spillage from the dumpers. Road near the railway siding had few pot holes and it was broken at places and it should be repaired urgently.
- (ii). The railway siding itself was in only partial compliance with the CPCB guideline of 2015 and with the Specific Condition (x) in the EC. In particular, first, the wind screens are temporary and collapsing.
- (iii). No permanent retaining wall as required by the EC has been constructed.
- (iv). A thick layer of coal is piled up on the platform.
- (v). the surface runoff from the siding is poorly handled.
- (vi). The constructed drain is incomplete and the polluted runoff is spreading in low not reaching the settling tank constructed recently.
- (vii). Project proponent has not developed either thick 3-tiered plantation of adequate wind barrier to control the fugitive dust from the railway siding in the direction of the residential area.
- (viii). Fixed water sprinklers should also be provided along the haul road from Mohan Nagar Chowk to Dakra Railway siding because there would be lot of coal dust on the roads in that area.
- (ix). There is no 3-tier green belt on both sides of the approach road, nor is there a dense 3-tier green belt around the mine lease boundary, and there is inadequate green belt development at Dakra railway siding, although a major road/highway passes adjacent to the siding.
- (x). Some catch drains were provided on one side of the Dakra railway siding but there were no siltation ponds. As a result water carrying coal dust spread in the nearby area.
- (xi). Retaining wall was observed around the old O/B dumps of Dakra OCP. But at a few places, the wall was broken and it should be repaired urgently.

Whereas, in response to the show cause notice you had submitted your compliance report vide your Ref. No. PO/Dakra/Envvt/20-21/1177 dated 02.11.2020.

Whereas, the Board has directed the Regional Officer, JSPCB Regional Office, Ranchi to carry out an inspection for verification of the compliances submitted by you vide Ref. No. - B - 1809 dated 10.11.2020.

Whereas, the Board has again directed the Regional Officer, JSPCB Regional Office, Ranchi to carry out an inspection for verification of the compliances submitted by you vide Ref. No. - B - 1124 dated 13.08.2021.

Whereas, the Regional Officer, JSPCB Regional Office, Ranchi has submitted the current Compliance Status Report vide his letter No. 540, Ranchi, dated 18.08.2021. The observations of which is as follows: -

Sl.	Observation	Compliance
i	The approach road to the railway siding was in bad condition, creating the likelihood of coal spillage from the dumpers. Road near the railway siding had few pot holes and it was broken at places and it should be repaired urgently.	The approach road to the railway siding has not been repaired. The pot holes near railway siding have been partially repaired.
ii	The railway siding itself was in only partial compliance with the CPCB guideline of 2015 and with the Specific	Partially complied. Permanent wind breaking wall has not been constructed.

	Condition (x) in the EC. In particular, first, the wind screens are temporary and collapsing	2. 40nos. Fixed water sprinklers have been installed. 3. Plant density should be increased. 4. Settling pond has been constructed to store surface runoff. 5. PM10 Analyser has not been installed.
iii	No permanent retaining wall as required by the EC has been constructed	Toe wall of approx 135mtrs. length has been constructed.
iv	A thick layer of coal is piled up on the platform.	Coal was found piled up on the platform for loading.
v	The surface runoff from the siding is poorly handled.	Settling pond has been constructed to store surface runoff but proper drainage system has not been completed.
vi	The constructed drain is incomplete and the polluted runoff is spreading in low not reaching the settling tank constructed recently.	Partially Complied. Proper drain has not been completed
vii	Project proponent has not developed either thick 3-tiered plantation of adequate wind barrier to control the fugitive dust from the railway siding in the direction of the residential area.	Green belt development has been done between Railway siding, road and residential area.
viii	Fixed water sprinklers should also be provided along the haul road from Mohan Nagar Chowk to Dakra Railway siding because there would be lot of coal dust on the roads in that area.	Fixed water sprinklers have not been provided along the haul road from Mohan Nagar Chowk to Dakra Railway siding.
ix	There is no 3-tier green belt on both sides of the approach road, nor is there a dense 3-tier green belt around the mine lease boundary, and there is inadequate green belt development at Dakra railway siding, although a major road/highway passes adjacent to the siding	3-tier green belt development have not been done along the approach road, mine lease boundary and in Railway siding.
x	Some catch drains were provided on one side of the Dakra railway siding but there were no siltation ponds. As a result water carrying coal dust spread in the nearby area.	Siltation ponds has not been constructed
xi	Retaining wall was observed around the old O/B dumps of Dakra OCP. But at a few places, the wall was broken and it should be repaired urgently.	Broken retaining wall around the old OB dumps has been repaired.

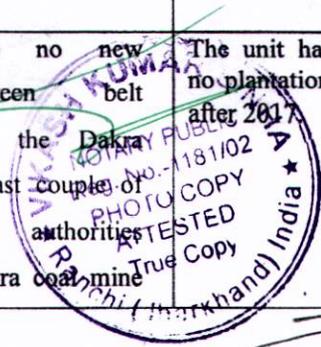
Whereas, the Regional Officer, JSPCB Regional Office, Ranchi was directed to submit the current Inspection Report, in light of the each and every observation made by the Committee vide Board's Ref. No. B - 2273, Ranchi, dated 27.12.2021.

Whereas, the Regional Officer, JSPCB Regional Office, Ranchi has submitted the Inspection Report vide his Ref. No. 08 dated 03/01/2022. The observations of which is as follows: -

1	<b>Petitioner's Complaint</b>	<b>Observations of the Committee appointed by the Hon'ble National Green Tribunal in Sanjay Chauhan Vs. CCL &amp; Ors. O.A 38/2020/EZ vide order dated-22.06.2020.</b>	<b>Current Status</b>
	<b>Non-construction of Coal Handling Plant (CHP) and consequent pollution</b> (citing Specific Condition xi in the EC of 2012)	a) Clearly, The project did not envisage the construction of CHP , Nor it was required to do so under the EC conditions, and as such there is no-Non Compliance resulting in the absence of a CHP.	The unit has not violated EC Conditions as per the Committee.
		i)The approach road of the siding was in bad condition, creating the likelihood (and Showing clear signs) of coal spillage from the dumpers. Road near the dakra railway siding had few pot holes and it was broken at places and it should repaired urgently.	The approach road near Dakra Railway Siding was found in bad condition and pot holes have been partially repaired.
		ii) The Dakra Railway Siding itself was in only partial compliance with CPCB guidelines of 2015 and the specific conditions (X) in the EC. In particular, first, the windscreens are temporary and collapsing (as also acknowledged by the Project Proponent in their written submission)  Second, no permanent retaining wall as required by the EC has been constructed.  Third, a thick layer of coal is piled up on the platform  Fourth, the surface runoff from the siding is poorly handled. The constructed drain is incomplete and the polluted runoff is spreading in low lying area.	First, The wind screen is still in the same condition and during inspection the temporary cloths used for wind screen were found in torn condition.  Second, No permanent retaining wall has been constructed.  Third, Thick layer of coal was found piled up on the platform of Siding.  Fourth, Constructed Garland drain is still incomplete and polluted runoff found spread in low lying area, and part of runoff was going into the settling tank.  No thick 3- tiered plantation and adequate wind barrier have been provided by the unit to control the fugitive

		settling tank constructed recently Project proponent has not developed either thick 3-tiered plantation or adequate wind barrier to control the fugitive dust from the railway siding in the direction of the residential area. Water spraying system was provided area feeder breaker/crusher at Dakra Railway siding but then also some coal dust emission occurred.	dust from the Railway Siding. During inspection both feeder breaker at the siding were found non-operational.
		iii. Fixed water sprinklers should also be provided along the haul road from Mohan Nagar Chowk to Dakra Railway siding because there would be lot of coal dust on the roads in that area.	No fixed water sprinklers have been installed between the Mohan Nagar Chowk to Dakra Railway siding by the unit.
2	<b>Petitioner's Complaint</b>  <b>Development of Green Belt is not in compliance with EC conditions.</b>	a)The development of plantations on OB dump, backfilled area, etc. is reasonably satisfactory  b) However, there is no 3-tier green belt on both sides of the approach road, nor is there a <b>dense 3-tier green belt around the mine lease boundary, and there is inadequate green belt development at the Dakra railway siding, although a major road/highway passes adjacent to the siding.</b>	The unit has done plantation in OB dump backfilled area is reasonably satisfactory.  No 3- Tier plantations have been done around mine lease boundary and Dakra railway siding.
		c) There were no new green belt plantations in the Dakra project area for last couple of years. Project authorities informed that Dakra coal mine	The unit has informed that no plantation has been done after 2017.

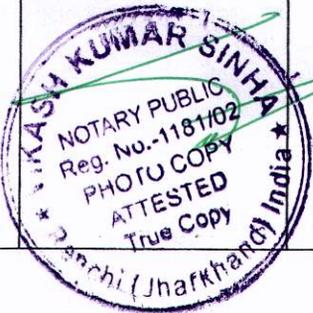
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		is going to be closed in a short time but the green belt is yet to be completed as per EC conditions and as per commitment in the EIA/EMP.	
3	<p><b>Petitioner's complaint:</b></p> <p><b>That provisions for water management and prevention of surface runoff are inadequate and in particular no details or data from the monitoring of groundwater levels are being provided</b></p>	<p>a) Some catch drains were provided on one side of the Dakra railway siding but there were no siltation ponds. As a result water carrying coal dust spread in the nearby area. Siltation ponds should be constructed urgently so that coal dust settles in there before flowing to nearby areas. In the absence of such adequate catch drains/siltation ponds, coal dust from Dakra railway siding was flowing in the seasonal nallah there which would then mingle with Sonadaba nallah near Mohan Nagar Colony.</p>	No siltation pond has been constructed and water flowing with coal dust found spread in nearby area.
		<p>b) Retaining wall was observed around the old O/B dumps of Dakra OCP. But at a few places, the wall was broken and it should be repaired urgently.</p>	Broken retaining wall has been repaired.
		<p>c) Coal dump was observed inside the Dakra Mine project area. Drains were made around it so that coal dust water goes inside the Dakra Mine sump area.</p>	Complied.
		<p>d) Water was observed in lower most portion of Dakra mine i.e. in mine sump. Project authorities informed that, as per EC conditions sump water was utilized for water sprinkling on</p>	Sump water is used for water sprinkling purpose.

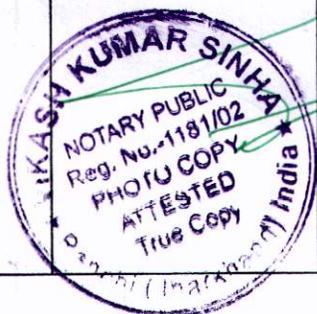
		haul roads by water tankers.	
		<p>e) There was no piezometer installed in the project for groundwater monitoring. However, the Project Proponent has carried out groundwater level monitoring using a network of open wells around the mine. The committee members visited one of the monitoring wells at Mohan Nagar colony and checked the monitoring logs. Furthermore the Project Proponent has submitted details of open well monitoring, which was done by CMPDI. Monitoring data from 2016 to 2020 are given below in Table 1.</p>	<p>No piezometer has been installed within mine lease hold area. No recent data of Ground level monitoring have been submitted.</p>
4	<p><b>Other observations</b></p>	<p>There is an overall policy issue that needs to be highlighted. The focus of EC conditions is on various measures to be adopted towards pollution control (transport by rail, creation of green belts, use of sprinklers, creation of catch drains, etc.). But the only way to know whether these measures are having the desired outcomes is to carry out frequent and continuous monitoring of ambient environmental conditions at multiple locations most relevant to public health and</p>	<p>The unit has installed PM10 analyser but data is not being transmitted to JSPCB Server.</p> <p>The unit may be directed to install CAAQMS at four places at Dakra OCP and nearby area with connectivity to JSPCB Server.</p> <p>The data of water quality, groundwater levels monitoring may be uploaded on the site.</p> <p>The unit may be directed to conduct Environmental Quality Monitoring from NABL accredited third party Laboratory.</p>



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	<p>ecosystem impacts. Currently, air and water quality, groundwater levels, are required to be monitored in just 4-5 locations. Several of these locations are within the mine lease area, where the pollution levels permitted are also higher. For instance, the standard for PM10 in ambient air inside the mine lease area is <math>300\mu\text{g}/\text{m}^3</math> for Karanpura coal belt as per EPA Rules 1986, whereas the NAAQ standard for residential areas is <math>100\mu\text{g}/\text{m}^3</math>. Data submitted by the petitioner to this Committee, of 24-hour AAQ measurements done at 5 public locations in the Dakra area by a NABL-accredited lab, indicate very high levels of PM10 (<math>&gt;300\mu\text{g}/\text{m}^3</math>) and PM2.5 (<math>&gt;150\mu\text{g}/\text{m}^3</math>) when the standard is 100 and 60 respectively. One of these monitoring sites was the Mohannagar colony right next to Dakra railway siding. No such data are available publicly from any other independent source as a cross-check. This gap in ambient environmental quality monitoring and linking it to enforcement needs to</p>	<p>Recent data of AAQ , Noise level and Surface water monitored by CMPDI (HQ), Ranchi are attached.</p>
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		be addressed urgently at a policy level.	
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Moreover, in light of the above facts it has also been recommended that the Dakra OCP has partially complied with the Hon'ble NGT committee observations and partially complied with EC conditions as mentioned above. The Dakra Railway Siding itself was in only partial compliance with CPCB guidelines of 2015. Suitable action may be taken against the unit under the provision of the Water (Prevention and control of pollution) Act, 1974, the Air (Prevention and control of pollution) Act, 1981 and the Environment (Protection) Act, 1986.

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

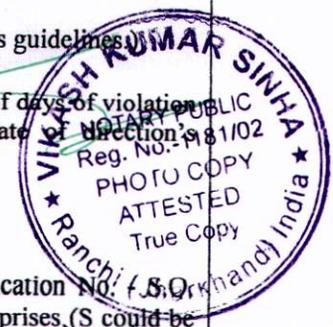
Now in this case,

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

N is to be taken as 3530 days from 03/05/2012 to 31/12/2021 (N – Number of days of violation took place is the period between the day of violation observed/due date of violation and the day of compliance verified by CPCB/SPCB/PCC).

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

S is to be taken 1.5 as the unit belongs to Large Scale Unit as per Notification No. 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 Burmo is less than one million as per Census Data 2011 (District Census Handbook, Ranchi).

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 3530 days comes out to be **INR 9,92,81,250/-** (i.e. **Rupees Nine Crore Ninety Two Lac Eighty One Thousand Two Hundred Fifty Only**).

Whereas, the Board has directed to deposit the Environmental Compensation of **INR 9,92,81,250/-** (i.e. **Rupees Nine Crores Ninety Two Lac Eighty One Thousand Two Hundred Fifty Only**) within 30 days of issuance of this letter, in case of failure to do so an interest of 12 % per annum will be charged and legal action may be initiated.

Whereas, earlier vide Board's order vide ref. no. B-210, dated 25.01.2022, you were directed to submit the amount of environmental compensation.

Whereas, in light of the show-cause notice, the unit has submitted its reply to the Board vide letter ref. no. GM(NK)/P&P/2021-22/203 dated 08.03.2022 .

Whereas, the Regional Officer, JSPCB Regional Office, Ranchi was directed to verify the status of compliance with respect to the reply submitted by the unit vide Board's Ref. No. B - 787, Ranchi, dated 20.04.2022.

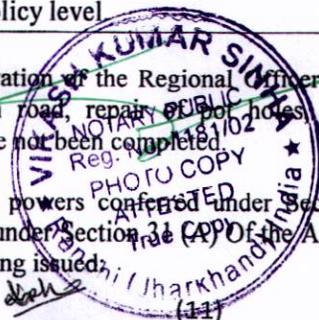
Whereas, the Regional Officer, JSPCB Regional Office, Ranchi has submitted the Inspection Report vide his Ref. No. 296 dated 30.04.2022. The observations of which is as follows: -

Sl. No.	Observations	Remarks
1	The project did not envisage the construction of CHP, nor it was required to do so under the EC conditions and as such there is no non-compliance resulting in the absence of CHP	
2	The approach road of the siding was in bad condition, creating the likelihood (and Showing clear signs) of coal spillage from the dumpers. Road near the Dakra railway siding had few pot holes and it was broken at places and it should repaired urgently.	The unit shall within 15 days repair the approach road and shall fill the pot holes.
3	<p>The Dakra Railway Siding itself was in only partial compliance with CPCB guidelines of 2015 and the specific conditions (X) in the EC. In particular, first, the windscreens are temporary and collapsing (as also acknowledged by the Project Proponent in their written submission)</p> <p>Second, no permanent retaining wall as required by the EC has been constructed.</p> <p>Third, a thick layer of coal is piled up on the platform</p> <p>Fourth, the surface runoff from the siding is not properly handled: the constructed drain is incomplete and the polluted runoff is spreading in low not reaching the settling tank constructed recently .</p> <p>Project proponent has not developed either thick 3-tiered plantation or adequate wind barrier to control the fugitive dust from the railway siding in the direction of the residential area. Water spraying system was provided in area feeder</p>	<p>Regarding installation of wind screen and construction of permanent retaining wall also completion of incomplete garland drains the unit shall be directed to complete the work within Two Months time frame.</p> <p>Regarding 3-Tier green belt presently the unit has not carried out mix plantation of native species along the railway siding for which the unit shall be directed to complete the same within Two Month time frame.</p> <p>Water sprinkling system has been</p>

	breaker/crusher at Dakra Railway siding but then also some coal dust emission occurred.	installed at the siding
4	Fixed water sprinklers should also be provided along the haul road from Mohan Nagar Chowk to Dakra Railway siding because there would be lot of coal dust on the roads in that area.	It was observed that the unit was using mobile sprinklers for dust suppression on haul road and coal transport raods respectively.  The unit shall be directed to install Fixed water sprinklers within Two Month time frame.
5	A)The development of plantations on OB dump, backfilled area, etc. is reasonably satisfactory B) However, there is no 3-tier green belt on both sides of the approach road, <b>nor is there a dense 3-tier green belt around the mine lease boundary, and there is inadequate green belt development at the Dakra railway siding</b> , although a major road/highway passes adjacent to the siding. C) There were no new plantations green belt developments in the Dakra project area for last couple of years. Project authorities informed that Dakra coal mine is going to be closed in a short time but the green belt is yet to be completed as per EC conditions and as per commitment in the EIA/EMP.	The unit shall carry out 3-tier green belt plantation along the approach roads within Two Month time frame.
6	There is an overall policy issue that needs to be highlighted. The focus of EC conditions is on various measures to be adopted towards pollution control (transport by rail, creation of green belts, use of sprinklers, creation of catch drains, etc.). But the only way to know whether these measures are having the desired outcomes is to carry out frequent and continuous monitoring of ambient environmental conditions at multiple locations most relevant to public health and ecosystem impacts. Currently, air and water quality, groundwater levels, are required to be monitored in just 4-5 locations. Several of these locations are within the mine lease area, where the pollution levels permitted are also higher. For instance, the standard for PM10 in ambient air inside the mine lease area is $300\mu\text{g}/\text{m}^3$ for Karanpura coal belt as per EPA Rules 1986, whereas the NAAQ standard for residential areas is $100\mu\text{g}/\text{m}^3$ . Data submitted by the petitioner to this Committee, of 24-hour AAQ measurements done at 5 public locations in the Dakra area by a NABL-accredited lab, indicate very high levels of PM10 ( $>300\mu\text{g}/\text{m}^3$ ) and PM2.5 ( $>150\mu\text{g}/\text{m}^3$ ) when the standard is 100 and 60 respectively. One of these monitoring sites was the Mohannagar colony right next to Dakrara railway siding. No such data are available publicly from any other independent source as a cross-check. This gap in ambient environmental quality monitoring and linking it to enforcement needs to be addressed urgently at a policy level.	Letter regarding installation of CAAQMS & PM 10 analyzer has been submitted by the unit.  Recent AAQ, Noise Level effluent analysis report shall be submitted along with ground water monitoring report within 15 days.

Whereas, it is clear from the observation of the Regional Officer, Ranchi the construction of garland drains, permanent retaining wall, approach road, repair of UIC holes, installation of fixed type sprinklers and development of 3-tier plantation have not been completed.

Whereas, in 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;



- (a) to deposit the Environmental Compensation on INR 9,92,81,250/- (i.e. Rupees Nine Crore Ninety Two Lac Eighty One Thousand Two 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 garland drains, permanent retaining wall, approach road, repair of pot holes, installation of fixed type sprinklers and development of 3-tier plantation within 2 months from issuance of this letter.

Whereas, it was directed vide Board's Letter No. B-854 dated 02.05.2022 to deposit of Environmental Compensation.

Whereas, the letter was sent via speed post but till date nor any reply neither Environmental Compensation has been received by the Board.

Now, therefore, in light of the above please explain why not in exercise of the powers conferred under section 33A of Water (Pollution and Control of Pollution) Act, 1974 and under section 31 A of Air (Prevention and Control of Pollution) Act, 1981 an order be issued to close down the unit. Else suitable legal action shall be initiated.

Sd/-  
(A. K. Rastogi)  
Chairman

Memo No... B-1266

Ranchi, dated... 04.7/2022

Copy to: Chairman, Jharkhand Bijli Vitran Nigam Ltd., Dhurwa, Ranchi/ Deputy Commissioner, Ranchi/ D.F.O., Ranchi/ D.M.O., Ranchi for information and ensuring compliance of aforesaid direction of the Board/Regional Officer, JSPCB, Ranchi for information & necessary action.

  
(A. K. Rastogi)  
Chairman  
