

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No: 27 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-853, dated 02/05/2022.	
3.	Annexure-II: True copy of Board's Ref. No. B-1235, dated 29/06/2022.	

Filed by: -

*Sor*

Surendra Kumar  
Advocate

Jharkhand State Pollution Control Board

Authorised under Notaries Act - 1956  
& Notaries Rules 1955 by Govt of  
Jharkhand, Ranchi (India)

457 P 7 JUL 2022

Notary Seal



BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No: 27 of 2020 (EZ)

Sanjay Chauhan Applicant  
Vs. Respondents  
Central Coalfields Ltd. & Ors.

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 Rohini OCP, CCL, by denying their request to waive of environmental compensation as various conditions imposed while granting Environmental clearance and Consent to Operate were not complied till the time of inspection, vide Board's Ref. No. B-853, dated 02/05/2022 and the following directions were

issued: -

a) to deposit the Environmental Compensation of



INR 05,02,87,500.00/-(i.e., Rupees Five Crores Two Lakhs Eighty Seven Thousand Five Hundred 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-853, 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



17 JUL 2022

M/s Rohini OCP, CCL vide Board's Ref. No. B-1235, dated 29/06/2022 as neither the Environmental Compensation nor the reply was received by the Board.

Photocopy of Board's Ref. No. B-1235, dated 29/06/2022 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-dhakurand*

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.

*Yati-dhakurand*

DEPONENT

*[Signature]*  
Signature witnessed on  
Identification of Lawyer



*[Signature]*  
Anil Kumar Sinha  
NOTARY PUBLIC RANCHI

17 JUL 2022



A-I

309

**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-853

Date. 02/5/2022

From,

Y. K. Das  
Member Secretary

To,

Project Officer,  
M/s Rohini OCP, C.C.L.  
At:- Tumang, P.S. – Rohini,  
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 “Expansion of Rohini Opencast Coal Mine Project from 2.30 MTPA to 3.30 MTPA of M/s. Central Coalfield Limited in an area of 255.68 Ha. located in District Ranchi (Jharkhand)” by MoEF&CC vide No. J-11015/227/2007-IA-II(M)pt. dated 21.02.2017.

Whereas, the first Consent-to-Establish (CTE) was granted to the unit by the Board vide Ref No. G-4333 dated 13.11.2013.

Whereas, you were granted Consent to Establish (CTE) for expansion vide Board's Ref. No. JSPCB/HO/RNC/CTE-1309023/2018/284 dated 26.03.2018. The relevant part of which is as follows:-

PROJECT	SITE AREA		Investment (Rs)	Product & Capacity	Period of CTE
	Plot Nos.	Area			
In Expansion	As per EC	255.68 Ha.	10725.77 Lac	Coal- 2.30 MTPA to 3.30 MTPA	Six month from date of issue

Whereas, the last CTO was granted to the unit vide Board's Ref No. JSPCB/HO/RNC/CTO-3702346/2018/2111 dated 28.12.2018. 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	255.68 Ha	105.67 Crores	Coal- 3.30 MTPA	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 alleging violation of conditions of the environment clearances 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 the factual aspects and submit a report.

Whereas, the committee has visited the site (Rohini Opencast Coal Mine Project) on 02/09/2020 and submitted its report



308

(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(A) dated 21.10.2020 for the non-compliance observed during the site inspection which is as follows: -

- (i). "The coal from Rohini OCP was being taken by road to the Dakra siding, which is an addition 2.5 km distance.
- (ii). The road from mining area to coal unloading area is not in full compliance with EC conditions. Although a metalled road has been constructed, the road was still covered with dust/mud, indicating spillage from trucks, due to which nearby habitat area may face dust pollution during the dry season.
- (iii). The main haulage road in the mine does not have fixed water sprinkler arrangements. the existing system is inadequate and sparse not covering the entire area. Nor has a 3 tier green belt comprising a mix of native species" been "developed all along the major approach roads", as required by General Condition C(iv) and specific condition (ix) of the EC dated 05.10.2009
- (iv). The Dakra siding is only in partial compliance with the CPCB guidelines regarding coal siding.
- (v). Two feeder breakers were installed in the Dakra railway siding fixed with water sprinklers arrangement. This constitutes a deviation from EC conditions, and it adds to the pollution load at the siding, which is located next to a state highway and to a residential colony.
- (vi). 3-tier belts have not yet been completely developed on the road side, railway siding and coal stockyard where neighbouring areas were likely to be affected by dust pollution during the dry season and water pollution during the wet season.
- (vii). At the project site it was observed that constructed sedimentation pond, catch drains and siltation ponds were not connected with entire drainage system of the mining area.
- (viii). It was also observed that nearby constructed sedimentation pond it has not been constructed embankment and retaining wall to prevent silt and sediments.

Whereas, in light of the committee's report a 1<sup>st</sup> show cause notice was issued to your Unit vide Board's Ref. No. B-1641(A) dated 21.10.2020 and your Unit was given an opportunity of being heard in person on 02.11.2020 but the unit didn't avail the opportunity.

Whereas, 2nd show cause notice was issued to your Unit Vide Board's Ref. No. B-1882 dated 02.12.2020 and your Unit was given an opportunity of being heard in person on 15.12.2020.

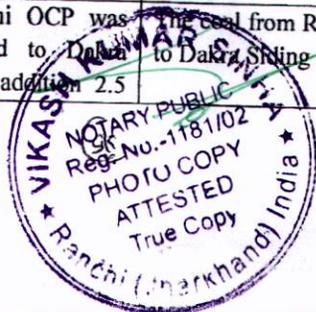
Whereas, in response to the show cause notice you had submitted your compliance report vide your Ref. No. PO(Rohini)/20-21/cnvt/2237 dated 18.12.2020.

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 - 2121 dated 21.12.2020.

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 - 1123 dated 13.08.2021.

Whereas, the Regional Officer, JSPCB Regional Office, Ranchi has submitted the current Compliance Status Report vide his letter No. 538, Ranchi, dated 18.08.2021. The observations of which is as follows: -

Sl.	Observation	Compliance
(i).	The coal from Rohini OCP was being taken by road to Dakra Siding which is an addition 2.5	The coal from Rohini OCP was being taken by road to Dakra Siding



307

	Km distance	
(ii).	The road from mining area to coal unloading area is not in full compliance with EC conditions. Although a metaled road has been constructed, the road was still covered with dust/mud, indicating spillage from trucks, due to which nearby habitat area may face dust pollution during the dry season.	Metaled road from mining area to coal unloading area was found clean and water sprinkling was being done by mobile water tanker.
(iii).	The main haulage road in the mine does not have fixed water sprinkler arrangements. the existing system is inadequate and sparse not covering the entire area. Nor has a 3 tier green belt comprising a mix of native species" been "developed all along the major approach roads", as required by General Condition C(iv) and specific condition (ix) of the EC dated 05.10.2009	Fixed sprinklers have not been installed along the main haulage road. Manual water sprinkling was being done through mobile water tankers. 3 Tier green belt development has not been done along the major approach roads.
(iv).	The Dakra siding is only In partial compliance with the CPCB guidelines regarding coal siding.	Partially complied. 1. Permanent wind breaking wall has not been constructed. 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.
(v).	Two feeder breakers were installed in the Dakra railway siding fixed with water sprinklers arrangement. This constitutes a deviation from EC conditions, and it adds to the pollution load at the siding, which is located next to a state highway and to a residential colony.	Coal crushing is not being done at pit head and 02nos coal feeder breakers was found installed at Dakra Siding.
(vi).	3-tier belts have not yet been completely developed on the road side, railway siding and coal stockyard where neighboring areas were likely to be affected by dust pollution during the dry season and water pollution during the wet season.	3-tier plantation have not been done along the road side, railway siding & coal stock yard.
(vii).	At the project site it was observed that constructed sedimentation pond, catch drains and siltation ponds were not connected with entire drainage system of the mining area.	Sedimentation pond, catch drains, siltation ponds have been constructed. These are connected with mine sumps.
(viii).	It was also observed that nearby	No embankment and retaining wall have been

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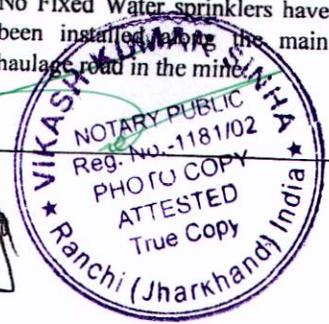
constructed sedimentation pond it has not been constructed embankment and retaining wall to prevent silt and sediments.	constructed along the sedimentation pond.
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Whereas, the Regional Officer, JSPCB Regional Office, Ranchi was directed to submit the current Inspection Report, in light of the each and every observation made by the committee Vide Board's Ref. No. B - 118, Ranchi, dated 12.01.2022.

Whereas, the Regional Officer, JSPCB Regional Office, Ranchi has submitted the Inspection Report vide his Ref. No. 25 dated 17/01/2022. The observations of which is as follows: -

1	<b>Petitioner's allegation no. (1).</b>  The petitioner alleged that (a). Construction of a Coal Handling Plant (CHP) has not been carried out, in violation of Specific Condition No. (x) & (xviii) of the environmental clearance dated 05.10.2009 and Specific Conditions No. (xi) of the environmental clearance dated- 21.02.2017	Observations of the Committee appoint by the Hon'ble National Green Tribunal in Sanjay Chauhan Vs. CCL & Ors. O.A 38/2020/EZ vide order dated-20.06.2020.  1. There is no EC condition requiring a CHP-cum-dedicated siding within the mining area, and as such there no non-compliance in this regard.  2. However, while the expansion EIA/EMP (for which EC dated- 21.02.2017 was issued) mentions that coal transport by road will take place till the KDH siding, in the field, it was observed that the coal from Rohini OCP was being taken by road to the Dakra siding, which is an addition 2.5 km distance.  3.	Current Status  No-Non Compliance as per Committee observation.  The unit has started transportation through KDH siding. In this regard Staff Officer (Mining), NK Area, Dakra, Ranchi has issued letter of award to M/s RE-RTC JV, New Road, Phusro, Bokaro for "loading and Transportation of 4.40 lakh Te of Coal from Rohini Coal Stocks via mobile crusher to KDH Siding for a period of Eight Months only" vide letter no.- GM/NK/CT/W.O. -181/2021-22/286 dated- 10.08.2021. Copy of letter is attached.  The unit has previously carried out transportation to Dakra Siding without permission of competent authority.  The approach road has been cleaned, covered dust /mud has been removed.  No Fixed Water sprinklers have been installed along the main haulage road in the mine.
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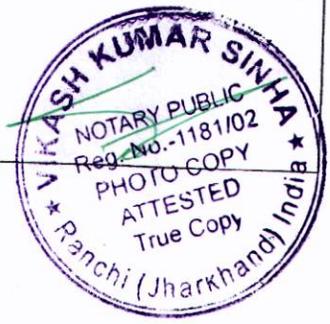
			<p>No 3-Tier green belt comprising a mix of native species has been developed all along the major approach roads.</p>
		<p>4. Finally, the Dakra siding is only in partial compliance with the CPCB guidelines regarding coal sidings. In particular, the windscreens are temporary and collapsing, a thick layer of coal is piled up on the platform, and the surface runoff from the siding is poorly handled (the drain is broken and the polluted runoff is not contained within the settling tank). 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.</p>	<p>During inspection the temporary cloths used for wind screen were found in torn condition.</p> <p>No permanent retaining wall has been constructed.</p> <p>Thick layer of coal was found piled up on the platform of Siding.</p> <p>Constructed Garland wall is still incomplete and polluted runoff found spread in low lying area and part of runoff was going into</p>

518



			<p>the settling tank.</p> <p>No thick 3- tiered plantation and adequate wind barrier have been provided by the unit to control the fugitive dust from the Railway Siding.</p> <p>During inspection both feeder breaker at the siding were found non-operational.</p>
2	<p><b>Petitioner's allegation no. (2).</b></p> <p>The construction of a Conveyor Belt has not been carried out, in violation of the General Condition No. c(vi) in the environmental clearance dated 21.02.2017.</p>	<p>Crushing is not happening at the pithead. At the project site, one non operational feeder breakers was observed Instead, two feeder breakers were installed in the Dakra railway siding fixed with water sprinklers arrangement. This constitutes a deviation from EC conditions, and it adds to the pollution load at the siding, which is located next to a state highway and to a residential colony.</p>	<p>The unit has installed mobile crusher in mine lease area for crushing of coal into (-)100mm size with water sprinkling arrangement but coal crusher has not been covered.</p>
3	<p><b>Petitioner's allegation. no. (3).</b></p> <p>The development of green belt in and around the mine site is completely inadequate, in violation of the (specific conditions No. (ix) of the EC dt. 05.10.2009 and also General Condition b(v) of the EC dated 21.02.2017.</p>	<p>The total land area of Rohini OCP in 255.68 ha and as per approved mining plan, the quarry is 204.05 ha, out of which till date about 202 ha land has been broken. 153 ha. of land have been technically reclaimed and out of which plantation in 97 ha. of land has been completed. About 30 ha. land has been partially reclaimed. The north and east side boundary of the mine has 25 m high and more than 80m wide embankment for the length of about 2.3 km. This embankment has dense plantation. Details of plantation work done, in collaboration with the Forest Department, as provided by the project proponent, are given in Table 1 (As per report).</p> <p>However, while these large plantations have been created on the OB dump, development of plantation of 7.5m wide greenbelt in around the mining lease area has not been completed despite lapse</p>	<p>3000 fruits bearing plant have been planted in the Rohini mine edge.</p> <p>3-tier green belts have not yet been completely developed on the road side, railway siding and coal stockyard.</p> <p>There is requirement of more plantations of native species of trees. Shrubs and grasses.</p>

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	<p>of long period after commencement of the coal extraction and despite attention being drawn to it in the MOEFCC Ranchi office's monitoring report of 18.09.2019. Similarly, as already mentioned earlier, 3-tier green belts have not yet been completely developed on the road side, railway siding and coal stockyard where neighbouring areas were likely to be affected by dust pollution during the dry season and water pollution during the wet season.</p> <p>Furthermore, it was observed that some part of the backfilling area plantation developed with monotypic species (Acacia sp) which do not support rehabilitation of the ecosystem with appropriate biodiversity. The project authority should emphasize creation of plantation with variety of native species of trees. Shrubs and grasses.</p>	
<p>4 <b>Petitioner's allegation no. (4).</b></p> <p>An ambient air quality monitoring system has not been developed, in violation of General Condition No. (xv) of the EC dt. 05.10.2009 and General Condition No. C (ii) of the EC dt. 21.02.2017. The air quality</p>	<p>1. As per the submitted data by project proponent to the committee and as also observed from the MOEFCC's monitoring report of 18.09.2019, ambient air quality is being periodically monitored by CMPDI at the locations of North Karanpura Project Office, Intake well pump, Ashok Vihar Colony and Workshop for monitoring of PM<sub>10+</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, NO<sub>x</sub> and heavy metal concentrations. Project authority has been submitted ambient air monitoring data of project site for the period of January to March in the year 2019-2020. As such, air quality monitoring is being carried out as per EC conditions</p>	<p>Four ambient air quality monitoring stations have not been established in the core zone as well as in the buffer Zone till date.</p> <p>The unit has submitted ambient air quality data of Rohini OCP monitored by CMPDI (HQ), Ranchi for the parameters PM<sub>10+</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, NO<sub>x</sub> during the period July 2021 to Sept. 2021 but monitoring has not been carried out for heavy metals (Report attached).</p>
<p>monitoring system was to be set up within 3 months from the grant of the EC, but the same has still not been carried out even</p>	<p>2. The data provided, indicate that most of the parameters are within the prescribed limit. However, the concentrations of lead, however, range (3.54 to 3.96µg/m<sup>3</sup>), which was found beyond the limit. It may also be noted that a) MOEFCC's monitoring report of</p>	<p>The unit should submit contingency plan for control of emission of heavy metal in the mine Environment.</p>

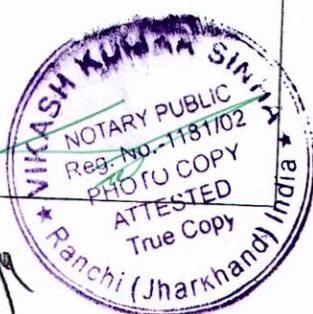
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<p>after more than 11 years have passed.</p>	<p>18.09.2019 mentioned that the value of PM<sub>10</sub>, and PM<sub>2.5</sub> measured by CMPDI were near the prescribed limit, and b) JSPCB had issued two show -cause notices in early 2019 to the project authorities based on ambient air quality measurements taken by a private (NABL-accredited) laboratory on behalf of a third party, showing extremely high pollution levels (PM<sub>10</sub>&gt;480µg/m<sup>3</sup> and PM<sub>2.5</sub>&gt;190 µg/m<sup>3</sup>) at the Dakra Siding.</p>	
	<p>3. The pollutant levels AAQ (ambient air quality) data has not been shown / installed in the digital display board or other manual board at a convenient location near the main gate of the mining project office or in the public domain in the project site or railway siding area.</p>	<p>The unit has not installed the CAAQMS station with display boards.</p>
<p><b>5</b> <b>Petitioner's allegation no. (5).</b></p> <p>The petitioners has alleged that measures for effective management of water resources and the prevention of surface runoff has also not been carried out in violation of Specific Conditions No. (vi), (vii) and (viii) of the EC of 2009 and General Condition No. c (ii) of the environmental clearance dated 21.02.2017.</p>	<p>1. The greatest potential risk to the Damodar River is posed by the embankment/OB dump on the north-eastern boundary of Rohini OCP. Along most of this boundary, the OB dump/embankment has been planted up many years ago and has a dense vegetation cover. However, at one location where the river is closest to the road inside the mine, there is a major gap (like a road created to reach the river:). As a result, coal dust from the road is flowing towards the river</p> <p>2. At the project site it was observed that constructed sedimentation pond, catch drains and siltation ponds were not connected with entire drainage system of the mining area.</p> <p>3. It was also observed that <del>sedimentation</del> pond it has not been constructed embankment and retaining wall to prevent silt and sediments. Project proponent should be taken proper precautionary measures at the earliest.</p>	<p>Temporary Embankment has been made to prevent surface runoff to the Damodar River.</p> <p>Sedimentation pond, catch drains and siltation ponds have been made. These are connected to mine sump</p> <p>No embankment and retaining wall constructed along the sedimentation pond.</p>

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		4. The problem with poor control of polluted runoff at Dakra siding has already been pointed out earlier.	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.
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Moreover, in light of the above facts it has also been recommended that the Rohini 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 1788 days from 21/02/2017 to 13/01/2022 (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,

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

Henceforth, the Environmental Compensation for one day comes out to be INR 28,125.00 So the total Environmental compensation for 1788 days comes out to be INR 5,02,87,500/- (i.e. Rupees Five Crores Two Lac Eighty Seven Thousand Five Hundred only).



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Whereas, the Board has directed to deposit the Environmental Compensation of INR 5,02,87,500/- (i.e. Rupees Five Crores Two Lac Eighty Seven Thousand Five Hundred 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-211, 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. PO/RH/Environmental Compensation/2021-2022/2313 dated 08.03.2022 .

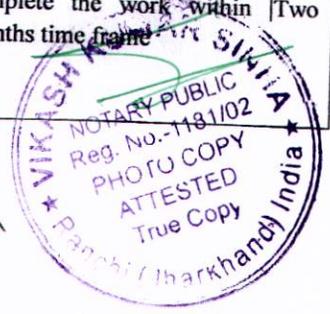
Whereas, the Regional Officer, JSPCB Regional Office, Ranchi was directed to verify the status of compliance with respect to the reply submitted by the unit vide Board's Ref. No. B - 786, Ranchi, dated 20.04.2022.

Whereas, the Regional Officer, JSPCB Regional Office, Ranchi has submitted the Inspection Report vide his Ref. No. 295 dated 30.04.2022. The observations of which is as follows: -

Sl. No.	Observations	Timeline cum Remarks
1	There is no EC condition requiring a CHP-cum-dedicated siding within the mining area, and as such there no non-compliance in this regard.	No non-compliance as per Committees observation
2	However, while the expansion EIA/EMP (for which EC dated-21.02.2017 was issued) mentions that coal transport by road will take place till the KDH siding, in the field, it was observed that the coal from Rohini OCP was being taken by road to the Dakra siding, which is an addition 2.5 km distance.	Previously the unit has carried out transportation to Dakra Siding without permission of competent authority.  Presently the unit has stated that they have started transportation through KDH siding
3	Furthermore, the road from mining area to coal unloading area is not in full compliance with EC conditions. Although a metaled road has been constructed, the road was still covered with dust/mud, indicating spillage forms trucks, due to which nearby habitat area may face the dust pollution during the dry season. The main haulage road in the mine does not have fixed water sprinkler arrangements. The existing system is inadequate and sparse not covering the entire area. Nor has a "3-tier green belt comprising a mix of native species" been "developed all along the major approach roads", as required by General Condition C(iv). and specific condition (ix) EC , dt. 05.10.2009.	It was observed that the unit was using mobile sprinklers for dust suppression on haul road and coal transportation road respectively.  The unit shall be directed to install Fixed water sprinklers within Two Month time frame.  Regarding 3-Tier green belt presently the unit has not carried out mix plantation of native species all along the major approach roads  The unit shall carry out 3-tier green belt plantation along the major roads within Two Months
4	Finally, the Dakra siding is only in partial compliance with the CPCB guidelines regarding coal sidings. In particular, the windscreens are temporary and collapsing, a thick layer of coal is piled up on the platform, and the surface runoff from the siding is poorly handled (the drain is broken and the polluted runoff is not contained within the settling tank). 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.	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

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5	<p>Crushing is not happening at the pithead. At the project site, one non operational feeder breakers was observed. Instead, two feeder breakers were installed in the Dakra railway siding fixed with water sprinklers arrangement. This constitutes a deviation from EC conditions, and it adds to the pollution load at the siding, which is located next to a state highway and to a residential colony.</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</p>
6	<p>The total land area of Rohini OCP is 255.68 ha and as per approved mining plan, the quarry is 204.05 ha, out of which till date about 202 ha land has been broken. 153 ha. of land have been technically reclaimed and out of which plantation in 97 ha. of land has been completed. About 30 ha. land has been partially reclaimed. The north and east side boundary of the mine has 25 m high and more than 80m wide embankment for the length of about 2.3 km. This embankment has dense plantation. Details of plantation work done, in collaboration with the Forest Department, as provided by the project proponent, are given in Table 1 (As per report).</p> <p>However, while these large plantations have been created on the OB dump, development of plantation of 7.5m wide greenbelt in around the mining lease area has not been completed despite lapse of long period after commencement of the coal extraction and despite attention being drawn to it in the MOEFCC Ranchi office's monitoring report of 18.09.2019. Similarly, as already mentioned earlier, 3-tier green belts have not yet been completely developed on the road side, railway siding and coal stockyard where neighbouring areas were likely to be affected by dust pollution during the dry season and water pollution during the wet season.</p> <p>Furthermore, it was observed that some part of the backfilling area plantation developed with monotypic species (Acacia sp) which do not support rehabilitation of the ecosystem with appropriate biodiversity. The project authority should emphasize creation of plantation with variety of native species of trees. Shrubs and grasses.</p>	<p>Regarding 3-tier green belt, presently the unit has not carried out mix plantation of native species along the road, railway siding and coal stockyard for which the unit shall be directed to complete the same within Two Month time frame</p>
7	<p>As per the submitted data by project proponent to the committee and as also observed from the MOEFCC's monitoring report of 18.09.2019, ambient air quality is being periodically monitored by CMPDI at the locations of North Karanpura Project Office, Intake well pump, Ashok Vihar Colony and Workshop for monitoring of PM<sub>10+</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, NO<sub>x</sub> and heavy metal concentrations. Project authority has been submitted ambient air monitoring data of project site for the period of January to March in the year 2019-2020. As such, air quality monitoring is being carried out as per EC conditions</p>	<p>The unit has submitted ambient air quality data along with Noise Level of Rohini OCP monitored by CMPDI (HQ), Ranchi for the parameters - total Particulate Matter, PM<sub>10</sub>, PM 2.5, SO<sub>2</sub>, NO<sub>x</sub> of period December 2021</p> <p>Regarding Heavy metals analysis, monitoring report has been submitted by the unit.</p>
8	<p>The data provided, indicate that most of the parameters are within the prescribed limit. However, the concentrations of lead, however, range (3.54 to 3.96µg/m<sup>3</sup>), which was found beyond the limit. It may also be noted that a) MOEFCC's monitoring report of 18.09.2019 mentioned that the value of PM<sub>10</sub>, and PM<sub>2.5</sub> measured by CMPDI were near the prescribed limit, and b) JSPCB had issued two show cause notices in early 2019 to the project authority based on ambient air quality measurements taken by a private (NABL accredited)</p>	<p>The unit shall submit contingency plan for control of emission of heavy metals in the mine environment within One Month.</p>



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	laboratory on behalf of a third party, showing extremely high pollution levels (PM <sub>10</sub> >480µg/m <sup>3</sup> and PM <sub>2.5</sub> >190 µg/m <sup>3</sup> ) at the Dakra Siding	
9.	The pollutant levels AAQ (ambient air quality) data has not been shown / installed in the digital display board or other manual board at a convenient location near the main gate of the mining project office or in the public domain in the project site or railway siding area.	CAAQMs has been installed
10	The greatest potential risk to the Damodar River is posed by the embankment/OB dump on the north-eastern boundary of Rohini OCP. Along most of this boundary, the OB dump/embankment has been planted up many years ago and has a dense vegetation cover. However, at one location where the river is closest to the road inside the mine, there is a major gap (like a road created to reach the river:). As a result, coal dust from the road is flowing towards the river	
11	At the project site it was observed that constructed sedimentation pond, catch drains and siltation ponds were not connected with entire drainage system of the mining area.	
12	It was also observed that nearby constructed sedimentation pond it has not been constructed embankment and retaining wall to prevent silt and sediments. Project proponent should be taken proper precautionary measures at the earliest.	Regarding construction of permanent retaining wall and completion of incomplete garland drains, the unit shall be directed to complete the work within Tow Months.

Whereas, it is clear from the observation of the Regional Officer, Ranchi that 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 at them are partially complied so it is evident that you have not complied various conditions.

Whereas, your reply confirm that till the time of inspection you have not complied various conditions imposed while granting Environmental Clearance and Consent to Operate 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.

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 5,02,87,500/-** (i.e. **Rupees Five Crores Two Lac Eighty Seven Thousand Five Hundred 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.

This issues with the approval of competent authority.

Memo No. B-853  
Copy to: The Regional Officer, JSPCB, Regional Office, Ranchi for information and necessary action.

Sd/-  
(Y. K. Das)  
Member Secretary  
Ranchi, dated. 02/5/2022



(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... *1235*

Date... *29.1.2022*

From,

A. K. Rastogi  
Chairman

To,

Project Officer,  
M/s Rohini OCP, C.C.L.  
At:- Tumang, P.S. – Rohini,  
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 "Expansion of Rohini Opencast Coal Mine Project from 2.30 MTPA to 3.30 MTPA of M/s. Central Coalfield Limited in an area of 255.68 Ha. located in District Ranchi (Jharkhand)" by MoEF&CC vide No. J-11015/227/2007-IA-II(M)pt. dated 21.02.2017.

Whereas, the first Consent-to-Establish (CTE) was granted to the unit by the Board vide Ref No. G-4333 dated 13.11.2013.

Whereas, you were granted Consent to Establish (CTE) for expansion vide Board's Ref. No. JSPCB/HO/RNC/CTE-1309023/2018/284 dated 26.03.2018. The relevant part of which is as follows:-

PROJECT	SITE AREA		Investment (Rs)	Product & Capacity	Period of CTE
	Plot Nos.	Area			
In Expansion	As per EC	255.68 Ha.	10725.77 Lac	Coal- 2.30 MTPA to 3.30 MTPA	Six month from date of issue

Whereas, the last CTO was granted to the unit vide Board's Ref No. JSPCB/HO/RNC/CTO-3702346/2018/2111 dated 28.12.2018. 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	255.68 Ha	105.67 Crores	Coal- 3.30 MTPA	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 alleging violation of conditions of the environment clearances 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

- Regional office, MoEF& CC, Ranchi
- Regional office, CPCB, Regional office, Kolkata
- The Jharkhand State Pollution Control Board
- 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. B-1641(A) dated 21.10.2020 for the non-compliance observed during the site inspection which is as follows: -

- (i). "The coal from Rohini OCP was being taken by road to the Dakra siding, which is an addition 2.5 km distance.
- (ii). The road from mining area to coal unloading area is not in full compliance with EC conditions. Although a metalled road has been constructed, the road was still covered with dust/mud, indicating spillage from trucks, due to which nearby habitat area may face dust pollution during the dry season.
- (iii). The main haulage road in the mine does not have fixed water sprinkler arrangements. the existing system is inadequate and sparse not covering the entire area. Nor has a 3 tier green belt comprising a mix of native species" been "developed all along the major approach roads", as required by General Condition C(iv) and specific condition (ix) of the EC dated 05.10.2009
- (iv). The Dakra siding is only in partial compliance with the CPCB guidelines regarding coal siding.
- (v). Two feeder breakers were installed in the Dakra railway siding fixed with water sprinklers arrangement. This constitutes a deviation from EC conditions, and it adds to the pollution load at the siding, which is located next to a state highway and to a residential colony.
- (vi). 3-tier belts have not yet been completely developed on the road side, railway siding and coal stockyard where neighbouring areas were likely to be affected by dust pollution during the dry season and water pollution during the wet season.
- (vii). At the project site it was observed that constructed sedimentation pond, catch drains and siltation ponds were not connected with entire drainage system of the mining area.
- (viii). It was also observed that nearby constructed sedimentation pond it has not been constructed embankment and retaining wall to prevent silt and sediments.

Whereas, in light of the committee's report a 1<sup>st</sup> show cause notice was issued to your Unit vide Board's Ref. No. B-1641(A) dated 21.10.2020 and your Unit was given an opportunity of being heard in person on 02.11.2020 but the unit didn't avail the opportunity.

Whereas, 2nd show cause notice was issued to your Unit Vide Board's Ref. No. B-1882 dated 02.12.2020 and your Unit was given an opportunity of being heard in person on 15.12.2020.

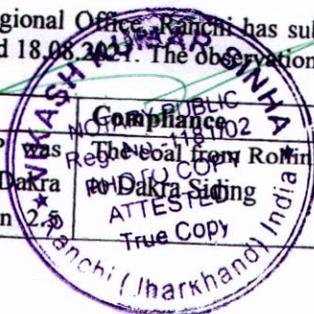
Whereas, in response to the show cause notice you had submitted your compliance report vide your Ref. No. PO(Rohini)/20-21/envt/2237 dated 18.12.2020.

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 - 2121 dated 21.12.2020.

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 - 1123 dated 13.08.2021.

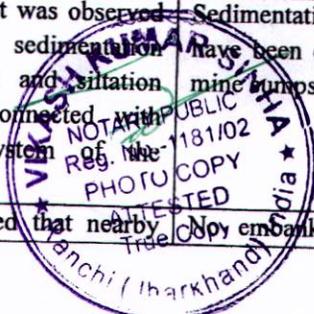
Whereas, the Regional Officer, JSPCB Regional Office, Ranchi has submitted the current Compliance Status Report vide his letter No. 538, Ranchi, dated 18.08.2021. The observations of which is as follows: -

Sl.	Observation
(i).	The coal from Rohini OCP was being taken by road to Dakra Siding which is an addition 2.5 km distance.



(Site)

	Km distance	
(ii).	The road from mining area to coal unloading area is not in full compliance with EC conditions. Although a metaled road has been constructed, the road was still covered with dust/mud, indicating spillage from trucks, due to which nearby habitat area may face dust pollution during the dry season.	Metaled road from mining area to coal unloading area was found clean and water sprinkling was being done by mobile water tanker.
(iii).	The main haulage road in the mine does not have fixed water sprinkler arrangements. the existing system is inadequate and sparse not covering the entire area. Nor has a 3 tier green belt comprising a mix of native species" been "developed all along the major approach roads", as required by General Condition C(iv) and specific condition (ix) of the EC dated 05.10.2009	Fixed sprinklers have not been installed along the main haulage road. Manual water sprinkling was being done through mobile water tankers. 3 Tier green belt development has not been done along the major approach roads.
(iv).	The Dakra siding is only In partial compliance with the CPCB guidelines regarding coal siding.	Partially complied. 1. Permanent wind breaking wall has not been constructed. 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.
(v).	Two feeder breakers were installed in the Dakra railway siding fixed with water sprinklers arrangement. This constitutes a deviation from EC conditions, and it adds to the pollution load at the siding, which is located next to a state highway and to a residential colony.	Coal crushing is not being done at pit head and 02nos coal feeder breakers was found installed at Dakra Siding.
(vi).	3-tier belts have not yet been completely developed on the road side, railway siding and coal stockyard where neighboring areas were likely to be affected by dust pollution during the dry season and water pollution during the wet season.	3-tier plantation have not been done along the road side, railway siding & coal stock yard.
(vii).	At the project site it was observed that constructed sedimentation pond, catch drains and siltation ponds were not connected with entire drainage system of the mining area.	Sedimentation pond, catch drains, siltation ponds have been constructed. These are connected with mine dumps.
(viii).	It was also observed that nearby	Noy embankment and retaining wall have been



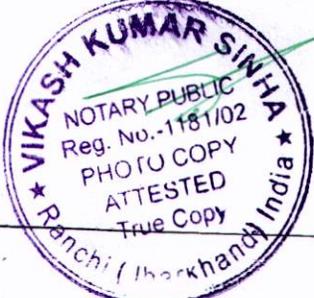
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constructed sedimentation pond it has not been constructed embankment and retaining wall to prevent silt and sediments.	constructed along the sedimentation pond.
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Whereas, the Regional Officer, JSPCB 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 - 118, Ranchi, dated 12.01.2022.

Whereas, the Regional Officer, JSPCB Regional Office, Ranchi has submitted the Inspection Report vide his Ref. No. 25 dated 17/01/2022. The observations of which is as follows: -

1	<b>Petitioner's allegation no. (1).</b>	Observations of the Committee appoint by the Hon'ble National Green Tribunal in Sanjay Chauhan Vs. CCL & Ors. O.A 38/2020/EZ vide order dated-20.06.2020.	Current Status
	The petitioner alleged that (a). Construction of a Coal Handling Plant (CHP) has not been carried out, in violation of Specific Condition No. (x) & (xviii) of the environmental clearance dated 05.10.2009 and Specific Conditions No. (xi) of the environmental clearance dated- 21.02.2017	1. There is no EC condition requiring a CHP-cum-dedicated siding within the mining area, and as such there no non-compliance in this regard.	No-Non Compliance as per Committee observation.
		2. However, while the expansion EIA/EMP (for which EC dated- 21.02.2017 was issued) mentions that coal transport by road will take place till the KDH siding, in the field, it was observed that the coal from Rohini OCP was being taken by road to the Dakra siding, which is an addition 2.5 km distance.	The unit has started transportation through KDH siding. In this regard Staff Officer (Mining), NK Area, Dakra, Ranchi has issued letter of award to M/s RE-RTC JV, New Road, Phusro, Bokaro for "loading and Transportation of 4.40 lakh Te of Coal from Rohini Coal Stocks via mobile crusher to KDH Siding for a period of Eight Months only" vide letter no.- GM/NK/CT/W.O. -181/2021-22/286 dated- 10.08.2021. Copy of letter is attached.  The unit has previously carried out transportation to Dakra Siding without permission of competent authority.
		3.	The approach road has been cleaned, covered dust /mud has been removed.
			No Fixed Water sprinklers have been installed along the main haulage road in the mine.

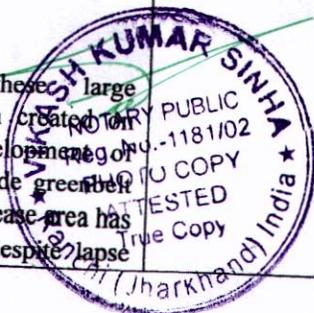
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			<p>No 3-Tier green belt comprising a mix of native species has been developed all along the major approach roads.</p>
		<p>4. Finally, the Dakra siding is only in partial compliance with the CPCB guidelines regarding coal sidings. In particular, the windscreens are temporary and collapsing, a thick layer of coal is piled up on the platform, and the surface runoff from the siding is poorly handled (the drain is broken and the polluted runoff is not contained within the settling tank). Project proponent has not developed thick 3-tiered plantation or adequate wind barrier to control the fugitive dust from the railway siding in the direction of the residential area.</p>	<p>During inspection the temporary cloths used for wind screen were found in torn condition.</p> <p>No permanent retaining wall has been constructed.</p> <p>Thick layer of coal was found piled up on the platform of Siding.</p> <p>Constructed Garland drain is still incomplete and polluted runoff found spread in low lying area, and part of runoff was going into</p>



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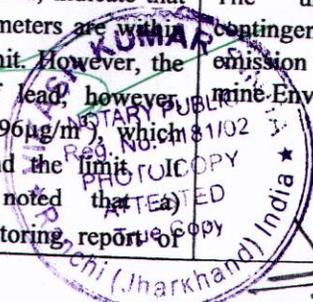
			<p>the settling tank.</p> <p>No thick 3- tiered plantation and adequate wind barrier have been provided by the unit to control the fugitive dust from the Railway Siding.</p> <p>During inspection both feeder breaker at the siding were found non-operational.</p>
2	<p><b>Petitioner's allegation no. (2).</b></p> <p>The construction of a Conveyor Belt has not been carried out, in violation of the General Condition No. c(vi) in the environmental clearance dated 21.02.2017.</p>	<p>Crushing is not happening at the pithead. At the project site, one non operational feeder breakers was observed Instead, two feeder breakers were installed in the Dakra railway siding fixed with water sprinklers arrangement. This constitutes a deviation from EC conditions, and it adds to the pollution load at the siding, which is located next to a state highway and to a residential colony.</p>	<p>The unit has installed mobile crusher in mine lease area for crushing of coal into (-)100mm size with water sprinkling arrangement but coal crusher has not been covered.</p>
3	<p><b>Petitioner's allegation no. (3).</b></p> <p>The development of green belt in and around the mine site is completely inadequate, in violation of the (specific conditions No. (ix) of the EC dt. 05.10.2009 and also General Condition b(v) of the EC dated 21.02.2017.</p>	<p>The total land area of Rohini OCP in 255.68 ha and as per approved mining plan, the quarry is 204.05 ha, out of which till date about 202 ha land has been broken. 153 ha. of land have been technically reclaimed and out of which plantation in 97 ha. of land has been completed. About 30 ha. land has been partially reclaimed. The north and east side boundary of the mine has 25 m high and more than 80m wide embankment for the length of about 2.3 km. This embankment has dense plantation. Details of plantation work done, in collaboration with the Forest Department, as provided by the project proponent, are given in Table 1 (As per report).</p> <p>However, while these large plantations have been created on the OB dump, development of plantation of 7.5m wide green belt in around the mining lease area has not been completed despite lapse</p>	<p>3000 fruits bearing plant have been planted in the Rohini mine edge.</p> <p>3-tier green belts have not yet been completely developed on the road side, railway siding and coal stockyard.</p> <p>There is requirement of more plantations of native species of trees. Shrubs and grasses.</p>



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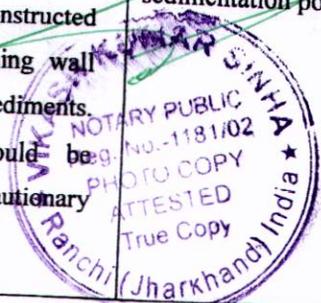
		<p>of long period after commencement of the coal extraction and despite attention being drawn to it in the MOEFCC Ranchi office's monitoring report of 18.09.2019. Similarly, as already mentioned earlier, 3-tier green belts have not yet been completely developed on the road side, railway siding and coal stockyard where neighbouring areas were likely to be affected by dust pollution during the dry season and water pollution during the wet season.</p> <p>Furthermore, it was observed that some part of the backfilling area plantation developed with monotypic species (Acacia sp) which do not support rehabilitation of the ecosystem with appropriate biodiversity. The project authority should emphasize creation of plantation with variety of native species of trees. Shrubs and grasses.</p>	
4	<p><b>Petitioner's allegation no. (4).</b></p> <p>An ambient air quality monitoring system has not been developed, in violation of General Condition No. (xv) of the EC dt. 05.10.2009 and General Condition No. C (ii) of the EC dt. 21.02.2017. The air quality monitoring system was to be set up within 3 months from the grant of the EC, but the same has still not been carried out even</p>	<p>1. As per the submitted data by project proponent to the committee and as also observed from the MOEFCC's monitoring report of 18.09.2019, ambient air quality is being periodically monitored by CMPDI at the locations of North Karanpura Project Office, Intake well pump, Ashok Vihar Colony and Workshop for monitoring of PM<sub>10+</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, NO<sub>x</sub> and heavy metal concentrations. Project authority has been submitted ambient air monitoring data of project site for the period of January to March in the year 2019-2020. As such, air quality monitoring is being carried out as per EC conditions</p>	<p>Four ambient air quality monitoring stations have not been established in the core zone as well as in the buffer Zone till date.</p> <p>The unit has submitted ambient air quality data of Rohini OCP monitored by CMPDI (HQ), Ranchi for the parameters PM<sub>10+</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, NO<sub>x</sub> during the period July 2021 to Sept. 2021 but monitoring has not been carried out for heavy metals (Report attached).</p>
		<p>2. The data provided, indicate that most of the parameters are within the prescribed limit. However, the concentrations of lead, however, range (3.54 to 3.96µg/m<sup>3</sup>), which was found beyond the limit may also be noted that MOEFCC's monitoring report of</p>	<p>The unit should submit contingency plan for control of emission of heavy metal in the mine Environment.</p>

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	<p>after more than 11 years have passed.</p>	<p>18.09.2019 mentioned that the value of PM<sub>10</sub>, and PM<sub>2.5</sub> measured by CMPDI were near the prescribed limit, and b) JSPCB had issued two show-cause notices in early 2019 to the project authorities based on ambient air quality measurements taken by a private (NABL-accredited) laboratory on behalf of a third party, showing extremely high pollution levels (PM<sub>10</sub>&gt;480µg/m<sup>3</sup> and PM<sub>2.5</sub>&gt;190 µg/m<sup>3</sup>) at the Dakra Siding.</p>	
		<p>3. The pollutant levels AAQ (ambient air quality) data has not been shown / installed in the digital display board or other manual board at a convenient location near the main gate of the mining project office or in the public domain in the project site or railway siding area.</p>	<p>The unit has not installed the CAAQMS station with display boards.</p>
<p>5</p>	<p><b>Petitioner's allegation no. (5).</b></p> <p>The petitioners has alleged that measures for effective management of water resources and the prevention of surface runoff has also not been carried out in violation of Specific Conditions No. (vi), (vii) and (viii) of the EC of 2009 and General Condition No. c (x) of the environmental clearance dated 21.02.2017.</p>	<p>1. The greatest potential risk to the Damodar River is posed by the embankment/OB dump on the north-eastern boundary of Rohini OCP. Along most of this boundary, the OB dump/embankment has been planted up many years ago and has a dense vegetation cover. However, at one location where the river is closest to the road inside the mine, there is a major gap (like a road created to reach the river:). As a result, coal dust from the road is flowing towards the river</p>	<p>Temporary Embankment has been made to prevent surface runoff to the Damodar River.</p>
		<p>2. At the project site it was observed that constructed sedimentation pond, catch drains and siltation ponds were not connected with entire drainage system of the mining area.</p>	<p>Sedimentation pond, catch drains and siltation ponds have been made. These are connected to mine sump</p>
		<p>3. It was also observed that nearby constructed sedimentation pond it has not been constructed embankment and retaining wall to prevent silt and sediments. Project proponent should be taken proper precautionary measures at the earliest.</p>	<p>No embankment and retaining wall constructed along the sedimentation pond.</p>



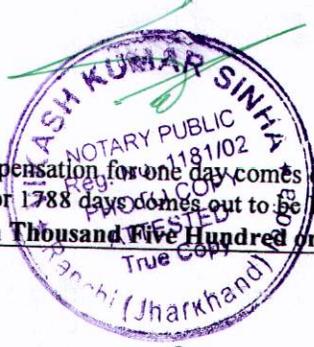
		4. The problem with poor control of polluted runoff at Dakra siding has already been pointed out earlier.	Constructed Garland drain is still incomplete and polluted runoff found spread in low lying area, and part of runoff was going into the settling tank.
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Moreover, in light of the above facts it has also been recommended that the Rohini 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:-

<p><b>Nature of violation</b> – Discharges in violation of consent conditions, mainly prescribed standards/consent limits.</p>
<p><b>Basis to levy the Environmental Compensation</b> – Pollution Index</p>
<p>The environmental compensation is based on the following formula:</p>
<p><b><u>EC = PI × N × R × S × LF</u></b></p>
<p>Where,</p> <ul style="list-style-type: none"> <li>EC – Environmental Compensation</li> <li>PI – Pollution Index of Industrial Sector</li> <li>N – Number of days of violation took place</li> <li>R – A factor in rupees for EC</li> <li>S – Factor of scale of operation</li> <li>LF – Location Factor</li> </ul>
<p>Now in this case,</p>
<p>PI is to be taken as 75 as the industry belongs to Red category (as per CPCB's guidelines.)</p>
<p>N is to be taken as 1788 days from 21/02/2017 to 13/01/2022 (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).</p>
<p>R is to be taken as 250 (as per CPCB's guidelines).</p>
<p>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).</p>
<p>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).</p>
<p>Therefore,</p>
<p>EC (Per day) = PI × R × S × LF  = 75 × 250 × 1.5 × 1  = INR 28,125.00</p>
<p>Henceforth, the Environmental Compensation for one day comes out to be INR 28,125.00 So the total Environmental compensation for 1788 days comes out to be INR 5,02,87,500/- (i.e. Rupees Five Crores Two Lac Eighty Seven Thousand Five Hundred only).</p>

S.K



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Whereas, the Board has directed to deposit the Environmental Compensation of INR 5,02,87,500/- (i.e. Rupees Five Crores Two Lac Eighty Seven Thousand Five Hundred 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-211, 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. PO/RH/Environmental Compensation/2021-2022/2313 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 - 786, Ranchi, dated 20.04.2022.

Whereas, the Regional Officer, JSPCB Regional Office, Ranchi has submitted the Inspection Report vide his Ref. No. 295 dated 30.04.2022. The observations of which is as follows: -

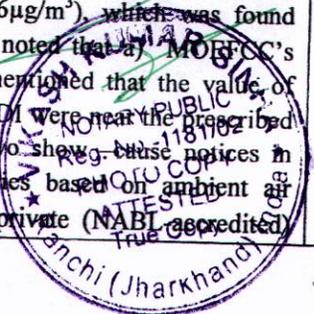
Sl. No.	Observations	Timeline cum Remarks
1	There is no EC condition requiring a CHP-cum-dedicated siding within the mining area, and as such there no non-compliance in this regard.	No non-compliance as per Committees observation
2	However, while the expansion EIA/EMP (for which EC dated- 21.02.2017 was issued) mentions that coal transport by road will take place till the KDH siding, in the field, it was observed that the coal from Rohini OCP was being taken by road to the Dakra siding, which is an addition 2.5 km distance.	Previously the unit has carried out transportation to Dakra Siding without permission of competent authority.  Presently the unit has stated that they have started transportation through KDH siding
3	Furthermore, the road from mining area to coal unloading area is not in full compliance with EC conditions. Although a metaled road has been constructed, the road was still covered with dust/mud, indicating spillage forms trucks, due to which nearby habitat area may face the dust pollution during the dry season. The main haulage road in the mine does not have fixed water sprinkler arrangements. The existing system is inadequate and sparse not covering the entire area. Nor has a "3-tier green belt comprising a mix of native species" been "developed all along the major approach roads", as required by General Condition C(iv). and specific condition (ix) EC , dt. 05.10.2009.	It was observed that the unit was using mobile sprinklers for dust suppression on haul road and coal transportation road respectively.  The unit shall be directed to install Fixed water sprinklers within Two Month time frame.  Regarding 3-Tier green belt presently the unit has not carried out mix plantation of native species all along the major approach roads  The unit shall carry out 3-tier green belt plantation along the major roads within Two Months
4	Finally, the Dakra siding is only in partial compliance with the CPCB guidelines regarding coal sidings. In particular, the windscreens are temporary and collapsing, a thick layer of coal is piled up on the platform, and the surface runoff from the siding is poorly handled (the drain is broken, and the polluted runoff is not contained within the settling tank). The 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.	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

S/S



5	Crushing is not happening at the pithead. At the project site, one non operational feeder breakers was observed Instead, two feeder breakers were installed in the Dakra railway siding fixed with water sprinklers arrangement. This constitutes a deviation from EC conditions, and it adds to the pollution load at the siding, which is located next to a state highway and to a residential colony.	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
6	<p>The total land area of Rohini OCP in 255.68 ha and as per approved mining plan, the quarry is 204.05 ha, out of which till date about 202 ha land has been broken. 153 ha. of land have been technically reclaimed and out of which plantation in 97 ha. of land has been completed. About 30 ha. land has been partially reclaimed. The north and east side boundary of the mine has 25 m high and more than 80m wide embankment for the length of about 2.3 km. This embankment has dense plantation. Details of plantation work done, in collaboration with the Forest Department, as provided by the project proponent, are given in Table 1 (As per report).</p> <p>However, while these large plantations have been created on the OB dump, development of plantation of 7.5m wide greenbelt in around the mining lease area has not been completed despite lapse of long period after commencement of the coal extraction and despite attention being drawn to it in the MOEFCC Ranchi office's monitoring report of 18.09.2019. Similarly, as already mentioned earlier, 3-tier green belts have not yet been completely developed on the road side, railway siding and coal stockyard where neighbouring areas were likely to be affected by dust pollution during the dry season and water pollution during the wet season.</p> <p>Furthermore, it was observed that some part of the backfilling area plantation developed with monotypic species (Acacia sp) which do not support rehabilitation of the ecosystem with appropriate biodiversity. The project authority should emphasize creation of plantation with variety of native species of trees. Shrubs and grasses.</p>	Regarding 3-tier green belt, presently the unit has not carried out mix plantation of native species along the road, railway siding and coal stockyard for which the unit shall be directed to complete the same within Two Month time frame
7	As per the submitted data by project proponent to the committee and as also observed from the MOEFCC's monitoring report of 18.09.2019, ambient air quality is being periodically monitored by CMPDI at the locations of North Karanpura Project Office, Intake well pump, Ashok Vihar Colony and Workshop for monitoring of PM <sub>10+</sub> , PM <sub>10</sub> , PM <sub>2.5</sub> , SO <sub>2</sub> , NO <sub>x</sub> and heavy metal concentrations. Project authority has been submitted ambient air monitoring data of project site for the period of January to March in the year 2019-2020. As such, air quality monitoring is being carried out as per EC conditions	<p>The unit has submitted ambient air quality data along with Noise Level of Rohini OCP monitored by CMPDI (HQ), ranchi for the parameters - total Particulate Matter, PM<sub>10</sub>, PM 2.5, SO<sub>2</sub>, NO<sub>x</sub> of period December 2021</p> <p>Regarding Heavy metals analysis, monitoring report has been submitted by the unit .</p>
8	The data provided, indicate that most of the parameters are within the prescribed limit. However, the concentrations of lead, however, range (3.54 to 3.96µg/m <sup>3</sup> ), which was found beyond the limit. It may also be noted that a) MOEFCC's monitoring report of 18.09.2019 mentioned that the values of PM <sub>10</sub> , and PM <sub>2.5</sub> measured by CMPDI were near the prescribed limit, and b) JSPCB had issued two show-cause notices in early 2019 to the project authorities based on ambient air quality measurements taken by a private (NABL accredited)	The unit shall submit contingency plan for control of emission of heavy metals in the mine environment within One Month.

5/12



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	laboratory on behalf of a third party, showing extremely high pollution levels ( $PM_{10} > 480 \mu g/m^3$ and $PM_{2.5} > 190 \mu g/m^3$ ) at the Dakra Siding	
9.	The pollutant levels AAQ (ambient air quality) data has not been shown / installed in the digital display board or other manual board at a convenient location near the main gate of the mining project office or in the public domain in the project site or railway siding area.	CAAQMs has been installed
10	The greatest potential risk to the Damodar River is posed by the embankment/OB dump on the north-eastern boundary of Rohini OCP. Along most of this boundary, the OB dump/embankment has been planted up many years ago and has a dense vegetation cover. However, at one location where the river is closest to the road inside the mine, there is a major gap (like a road created to reach the river:). As a result, coal dust from the road is flowing towards the river	
11	At the project site it was observed that constructed sedimentation pond, catch drains and siltation ponds were not connected with entire drainage system of the mining area.	
12	It was also observed that nearby constructed sedimentation pond it has not been constructed embankment and retaining wall to prevent silt and sediments. Project proponent should be taken proper precautionary measures at the earliest.	Regarding construction of permanent retaining wall and completion of incomplete garland drains, the unit shall be directed to complete the work within Two Months.

Whereas, it is clear from the observation of the Regional Officer, Ranchi that 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 at them are partially complied so it is evident that you have not complied various conditions.

Whereas, your reply confirm that till the time of inspection you have not complied various conditions imposed while granting Environmental Clearance and Consent to Operate 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.

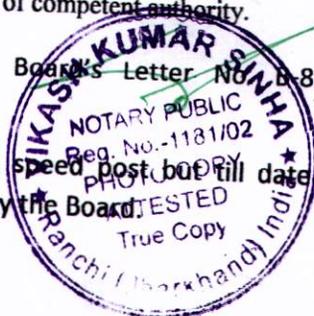
Whereas, in exercising the powers conferred under Section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 31 (A) Of the Air (Prevention and Control of Pollution) Act, 1981; the following directions are being issued:

- to deposit the Environmental Compensation on **INR 5,02,87,500/- (i.e. Rupees Five Crores Two Lac Eighty Seven Thousand Five Hundred 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.
- 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.
- to submit the name of the official(s) responsible for non-installation of Ambient Air Quality Monitoring Station.

This issues with the approval of competent authority.

Whereas, it was directed vide Board's Letter No. 853 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.



5/2

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-1235

Ranchi, dated 24/6/2022

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

