

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

APPEAL NO. 03/2020/EZ

BETWEEN

TUSHAR KANTI DUBEY

..... APPLICANT

VERSUS

UNION OF INDIA & ORS

..... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 03 THE
WEST BENGAL POLLUTION CONTROL BOARD.

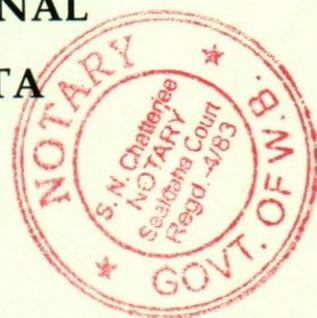
INDEX

SL No	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit		111-113.
2.	Copy of the Letter dated 26.03.2019 issued by the Ministry of Environment, Forest and Climate Change, Government of India.	R1	114-123
3.	Copy of the Letter dated 06.05.2019 issued by the West Bengal Power Development Corporation Limited.	R2	124
4.	Copy of the Newspaper publication dated 13.05.2019 published by the West Bengal Pollution Control Board.	R3	125
5.	Copy of the Letter dated 27.06.2019 issued by the West Bengal Pollution Control Board.	R4	126

Filed by

28 SEP 2020

ADVOCATE



S. L. No. 03

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

APPEAL NO. 03/2020/EZ

BETWEEN

TUSHAR KANTI DUBEY

..... APPLICANT(S)

VERSUS

UNION OF INDIA & ORS

..... RESPONDENT(S)

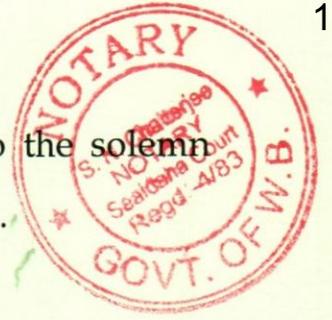
AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 03 THE
WEST BENGAL POLLUTION CONTROL BOARD.

Most Respectfully Sheweth

I, Sri Amar Nath Goswami, aged about 53 years, son of Shri Madan Mohan Goswami, by Religion - Hindu, by Occupation-Service, residing at L-111/2, G-13, Baishnabghata Patuli Township, Kolkata - 700 094, do hereby solemnly declare and say as follows:-

01. That, I am the Senior Law Officer, West Bengal Pollution Control Board (hereinafter will be referred to as the 'State Board') and look after this case and as such I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the Respondent No.03 to affirm this Affidavit on its behalf and as such, I am competent to do so.

28 SEP 2020



02. That, this affidavit is being affirmed in pursuance to the solemn order passed by the Hon'ble Tribunal dated 28.07.2020 .

03. That, one Terms of Reference (TOR), issued for the proposed Unit at Sagardighi, by the MOEF & CC, Government of India vide letter no. F.No. J. 13012/01/2019-IA.I(T) dated 26.03.2019.

The copy of the said (TOR) dated 26.03.2019 issued by the MOEF&CC, Government of India is annexed hereto and marked with the letter R-1.

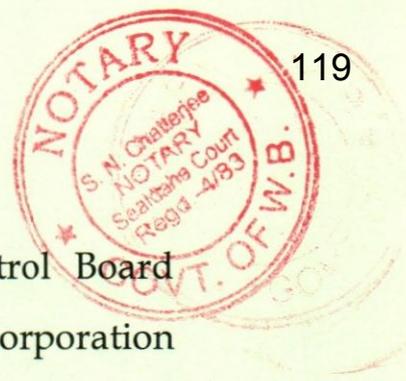
04. That, as directed in the said TOR, West Bengal Power Development Corporation Limited submitted the soft copies Draft EIA and Executive summaries in Bengali and English language to the West Bengal Pollution Control Board on 06.05.2019. It is requested to the respondent herein to upload the above mentioned documents on the official website of the West Bengal Pollution Control Board and publish notices to newspaper both in English and Bengali for seeking comments from the general public. The comments received shall be in the Final EIA to be submitted to the MOEF& CC, Government of West Bengal. The necessary expenditure for publishing notices will be borne by the West Bengal Power Development Corporation Limited.

The photocopy of the letter dated 06.05.2019 is annexed hereto and marked with the letter R-2.

05. That, in pursuance to the letter dated 06.05.2019 submitted by the West Bengal Power Development Corporation Limited, the Respondent No.3 i.e, West Bengal Pollution Control Board, in the terms of the (TOR) published two newspaper notices, each one in Bengali and English languages respectively on 13.05.2019 .

The copies of the said two newspaper publications on 13.05.2019 are annexed collectively hereto and marked with the letter R-3.

28 SEP 2020



06. That on 27.06.2019, the West Bengal Pollution Control Board issued a letter to the West Bengal Power Development Corporation Limited, stating that no comments or queries from the general public have been received in this regard by the Respondent No. 3.

The Copy of the said letter dated 27.06.2019 is annexed hereto and marked with the letter R-4.

05. It is therefore respectfully prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.

Amar Nath Gowami

DEPONENT

VERIFICATION

Verified at Kolkata by the deponent above named on this the day of September, 2020 and say that the contents of this affidavit made in paragraph nos. 1 is true to my knowledge and those made in paragraphs no. 2 to 5 are true to my information derived from records and rest are my respectful submission before this Hon'ble Tribunal.

Amar Nath Gowami

DEPONENT

S. N. Chatterjee
Notary

Solemnly Affirmed &
 Declared Before me
 on Identification

S. N. CHATTERJEE
 NOTARY
 REGD. NO. - 4/83

28 SEP 2020



F.No. J-13012/01/2019-IA.I (T)
Government of India
Ministry of Environment, Forest and Climate Change

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

Dated: 26.03.2019

To

The Director (Projects)
M/s The West Bengal Power Development Corporation Ltd.
Bidyut Unnayan Bhaban,
Block-LA, 3/C, Sector-III,
Salt Lake City, Kolkata-700098.

Phone: 033-23393203; **Fax No.** 033-23350424; **E-mail:** bitubiswas@gmail.com.

Sub: Proposed 1x660 MW (Phase-III & Unit-5) Coal based Supercritical Sagardighi Thermal Power Project, Villages Manigram, Chandpara, Kanchanpara, Harirampur, District Murshidabad, West Bengal by M/s The West Bengal Power Development Corporation Ltd. -reg. ToR

Sir,

This has reference to your online application No. **IA/WB/THE/94262/2019** dated 05.02.2019 on the above mentioned subject.

2. It has been noted that you have proposed for establishing 1x660 MW (Unit-5) Coal based Thermal Power Plant within the premises of existing Sagardighi Power Station (Unit-1 & 2: 2x300 MW and Unit-3 & 4: 2x500 MW).
3. It has been further noted that the Terms of Reference (ToR) was earlier issued by the Ministry on 15.01.2015 for expansion project with capacity of 500 MW Power generation which was valid for three years, i.e. till 14.01.2018. Subsequently, it has been amended for increasing the capacity from 500 MW to 660 MW vide Ministry's letter dated 11.07.2016. The primary environmental baseline data has been collected during March-June, 2015 and the draft EIA/EMP report was submitted to West Bengal Pollution Control Board (WBPCB). The Public Hearing has been conducted by WBPCB on 03.10.2016. Subsequently, the application for grant of Environmental Clearance has been submitted to the Ministry on 5.2.2019. The Ministry examined the application and noted that the proposal was submitted after expiry of ToR validity. Further, the baseline data is older than three years. Accordingly, Project Proponent has been advised to initiate the process of environmental clearance *de-novo* vide Ministry's letter dated 4.2.2019.
4. The following units under operations or in proposal stage at the Sagardighi Power Station:

Unit No.	Phase	Capacity	Date of Commissioning	Remarks
1.	Phase-I	300 MW	7.9.2008	EC issued on 6.10.2004
2.		300 MW	6.11.2008	for 2x250 MW and amended on 4.9.2008 for

				changing the configuration to 2x300 MW
3.	Phase-II	500 MW	1.6.2015	EC issued on 18.5.2011
4.		500 MW	20.12.2017	
5.	Phase-III	660 MW	Proposal Project	ToR issued on 15.1.2015 and validity expired on 14.1.2018. Application for grant of EC could not be submitted within the validity period of ToR.

5. Presently, WBPDCCL have 365 ha (900 acres) of land under possession for Phases I, II & III of the power plant and another 184 ha for ash disposal. This area would be sufficient for setting up proposed Unit-5: (660 MW). The main power plant would be built at an elevation of 34.5 m above mean sea level (MSL). The plot is well above highest flood level (HFL) of the area. There are no national parks, wildlife sanctuaries and other protected areas/wildlife corridors under Wildlife (Protection) Act, 1972 and no eco-sensitive areas/zones under Environment (Protection) Act, 1986 within 10 km radius of the project.
6. Coal consumption for 1x660 MW (Phase-III) is estimated to be 3.39 million MT per annum at 90% PLF considering the average GCV of 3300 kcal/kg and average station heat rate of 2151 kcal/kWh. Coal will be sourced from Pachwara (North) Coal Block, Jharkhand being developed by WBPDCCL through Bengal EMTA. The geological reserve of the block is about 609.35 MMT whereas mineable reserve of the block is estimated to be as 392.84 MMT. The design parameters for coal intake would be i.e. GCV: 3300 kcal/kg, Total Moisture: 15%; Ash: 40%; Sulphur: 0.5%, Volatile Matter: 19% and Fixed Carbon: 26%.
7. The Coal block is located at a distance of 140 km from the power plant. The coal is brought by road from coal mine to Pakur Railway siding by road. From Pakur railways siding, it is transported by rail mode through existing Pakur-Tildanga-Dhulian-Monigram broad gauge line or through Pakur-Nalhati (proposed)-Takipara-Gosaingram Poradanga-Monigram broad gauge line. The coal would be carried in rake loads of BOBR/BOX-N wagons. The coal handling plant of existing power plant will be used for proposed project also. Suitable extension from the end of Transfer Point (TP-19) will be done.
8. The water withdrawal of 60 cusecs (6116 m³/h) from river Bhagirathi has been permitted by Irrigation and Waterways Department, Govt. of West Bengal vide letter dated 10.9.2009. Presently, the estimated use of water for Phase-I and II (2x300 MW & 2x500 MW) is 34 cusecs (3466 m³/h @ 2.17 m³/MWh). The water requirement for the proposed unit is 16.2 cusecs (1,650 m³/h @ 2.5 m³/MWh). The existing water allotment would be sufficient for the proposed unit. The water will be sourced from the Bhagirathi River located at approximately 5 km from the proposed project. Intake pump house and pipeline are already under implementation for Units-3 & 4.
9. The existing two (2) Nos. of LDO tanks of 2000 m³ each and two (2) Nos. of HFO tanks of 2000 m³ each for the Phase-I and additional two (2) Nos. of HFO tanks of 2000 m³ each being constructed under Phase-II project, will cater for storage of LDO and HFO which will be required for start-up and coal firing support purpose of the Phase-II & III units also.
10. Around 200 personnel will be required during operation phase of the project. In addition, around 200 permanent staff shall be engaged during construction phase. The estimated project Cost is Rs.4,402 Crores.

11. The proposal for grant of ToR has been considered by the EAC (Thermal Power) in its 25th meeting held on 22.2.2019. Based on the recommendations of the re-constituted EAC (Thermal Power) with regard to the proposed project, **the Ministry hereby prescribes the following ToR along with the standard ToR (as applicable)** for preparation of the EIA and EMP Report: -

- i. Water balance diagram indicating consumption at each process/operation including makeup water/wastewater generation/blowdown/ evaporation losses/drift losses, etc shall be furnished for the existing and proposed power plant. Further, the measures taken to achieve specific water consumption of 3.5 m³/MWh for existing units (2x300 MW and 2x500 MW) and 3.0 m³/MWh for proposed unit as per Ministry's Notifications dated 7.12.2015 & 28.6.2018 shall be submitted. Justification for water usage of 3,466 m³/hr (34 cusecs at 2.17 m³/MWh) for operating units (2x300 MW and 2x500 MW) shall be submitted.
- ii. Public Consultation shall be carried out by uploading the draft EIA/ EMP report on West Bengal Pollution Control Board's website and publishing notice in the newspapers (both in Bengali and English) for seeking comments from the general public. The comments received so shall be addressed in the final EIA report along with time bound action plan and financial budget allocation. While submitting the final EIA/ EMP report, the public hearing shall not be more than three years old from the date of public hearing conducted. In case, final EIA/ EMP report is submitted after 3 years from the date of public hearing, a fresh public hearing is required to be conducted at the project site.
- iii. One season (non-monsoon) baseline data shall be collected for preparation of EIA report.
- iv. Time bound Action Plan for conversion of existing ash disposal system from Lean Slurry System to High Concentrated Slurry System shall be provided.
- v. Action plan for dry and pneumatic collection system for flyash shall be prepared for all the units (existing and proposed)
- vi. 33% of the total project area to be developed as greenbelt around the periphery of the plant clearly demarcating in the layout map along with the progress of greenbelt developed till date.
- vii. The time bound action plan for installation of Flue Gas Desulphurisation (FGD) Unit shall be submitted.
- viii. Permission from NMCG to withdraw water from Bhagirathi River shall be submitted.
- ix. Non-compliances observed in the environmental clearance conditions by the Regional Office of the Ministry shall be attended and complied. An action plan for full compliances shall be submitted within a month.
- x. Online emissions and effluent monitoring systems are to be set up and the data so recorded to be connected to the CPCB servers.
- xi. Cumulative environmental impacts assessment is to be done interms of impact on air quality, water quality, water consumption, ash utilisation and its disposal.
- xii. Details of quantity of flyash generated from all units since commissioning of units and the utilisation/disposal shall be submitted. Details of total volume of

ash pond and the volume utilised till date shall be submitted to examine the adequacy of the existing ash pond for the proposed project as well.

- xiii. The proposed project shall be given a unique name in consonance with the name submitted to other Government Departments, etc. for its better identification and reference.
- xiv. Vision document specifying prospective a long term plan of the project shall be formulated and submitted.
- xv. Latest compliance report duly certified by the Regional Office of MoEF& CC for the conditions stipulated in the environmental clearances of the previous phase(s) shall be submitted.
- xvi. Executive summary of the project indicating relevant details along with recent photographs of the proposed site (s) shall be provided. Response to the issues raised during Public Hearing and the written representations (if any), along with a time bound Action Plan and budgetary allocations to address the same, shall be provided in a tabular form, against each action proposed.
- xvii. Harnessing solar power within the premises of the plant particularly at available roof tops and other available areas shall be formulated and for expansion projects, status of implementation shall also be submitted.
- xviii. The geographical coordinates (WGS 84) of the proposed site (plant boundary), including location of ash pond along with topo sheet (1:50,000 scale) and IRS satellite map of the area, shall be submitted. Elevation of plant site and ash pond with respect to HFL of water body/nallah/River line shall be specified, if the site is located in proximity to them.
- xix. Layout plan indicating break-up of plant area, ash pond, green belt, infrastructure, roads, etc. shall be provided.
- xx. Land requirement for the project shall be optimized and in any case not more than as specified by CEA from time to time. Item wise break up of land requirement shall be provided.
- xxi. Present land use (including land class/kisam) as per the revenue records and State Govt. records of the proposed site shall be furnished. Information on land to be acquired including coal transportation system, laying of pipeline, ROW, transmission lines, etc. shall be specifically submitted. Status of land acquisition and litigation, if any, should be provided.
- xxii. If the project involves forest land, details of application, including date of application, area applied for, and application registration number, for diversion under Forest (Conservation) Act, 1980 and its status should be provided along with copies of relevant documents.
- xxiii. The land acquisition and R&R scheme with a time bound Action Plan should be formulated and addressed in the EIA report.
- xxiv. Satellite imagery and authenticated topo sheet indicating drainage, cropping pattern, water bodies (wetland, river system, stream, nallahs, ponds, etc.), location of nearest habitations (villages), creeks, mangroves, rivers, reservoirs etc. in the study area shall be provided.
- xxv. Location of any National Park, Sanctuary, Elephant/Tiger Reserve (existing as well as proposed), migratory routes / wildlife corridor, if any, within 10 km of the project site shall be specified and marked on the map duly authenticated

by the Chief Wildlife Warden of the State or an officer authorized by the Competent Authority.

- xxvi. Topography of the study area supported by topo sheet on 1:50,000 scale of Survey of India, along with a large scale map preferably of 1:25,000 scale and the specific information whether the site requires any filling shall be provided. In that case, details of filling, quantity of required fill material; its source, transportation etc. shall be submitted.
- xxvii. A detailed study on land use pattern in the study area shall be carried out including identification of common property resources (such as grazing and community land, water resources etc.) available and Action Plan for its protection and management shall be formulated. If acquisition of grazing land is involved, it shall be ensured that an equal area of grazing land be acquired and developed and detailed plan submitted.
- xxviii. A mineralogical map of the proposed site (including soil type) and information (if available) that the site is not located on potentially mineable mineral deposit shall be submitted.
- xxix. Details of fly ash utilization plan as per the latest Fly Ash Utilization Notification along with firm agreements / MoU with contracting parties including other usages, etc. shall be submitted. The plan shall also include disposal method / mechanism of bottom ash, etc.
- xxx. The water requirement shall be optimized (by adopting measures such as dry fly ash and dry bottom ash disposal system, air cooled condenser, concept of zero discharge, etc) and in any case not more than that stipulated by CEA from time to time, to be submitted along with details of source of water and water balance diagram. Details of water balance calculated shall take into account reuse and re-circulation of effluents.
- xxxi. Water body/Nallah (if any) passing across the site should not be disturbed as far as possible. In case any Nallah / drain is proposed to be diverted, it shall be ensured that the diversion does not disturb the natural drainage pattern of the area. Details of proposed diversion shall be furnished duly approved by the concerned Department of the State.
- xxxii. It shall also be ensured that a minimum of 500 m distance of plant boundary be kept from the HFL of river system / streams etc. and the boundary of site should also be located 500 m away from railway track and National Highways.
- xxxiii. Hydro-geological study of the area shall be carried out through an institute/ organization of repute to assess the impact on ground and surface water regimes. Specific mitigation measures shall be spelt out and time bound Action Plan for its implementation shall be submitted.
- xxxiv. Detailed Studies on the impacts of the ecology including fisheries of the River/Estuary/Sea due to the proposed withdrawal of water / discharge of treated wastewater into the River/Sea etc shall be carried out and included in the EIA Report.
- xxxv. Source of water and its sustainability even in lean season shall be provided along with details of ecological impacts arising out of withdrawal of water and taking into account inter-state shares (if any). Information on other competing sources downstream of the proposed project and commitment regarding

- availability of requisite quantity of water from the Competent Authority shall be provided along with letter / document stating firm allocation of water.
- xxxvi. Detailed plan for rainwater harvesting and its proposed utilization in the plant shall be made.
 - xxxvii. Feasibility of near zero discharge concept shall be carefully examined and its details submitted.
 - xxxviii. Optimization of Cycles of Concentration (COC) along with other water conservation measures in the project shall be specified.
 - xxxix. Plan for recirculation of ash pond water and its implementation shall be submitted.
 - xl. Detailed plan for conducting monitoring of water quality regularly with proper maintenance of records shall be formulated. Detail of methodology and identification of monitoring points (between the plant and drainage in the direction of flow of surface / ground water) shall be submitted. It shall be ensured that parameter to be monitored also include heavy metals. A provision for long-term monitoring of groundwater table using Piezometer shall be incorporated in EIA, particularly from the study area.
 - xli. Socio-economic study of the study area comprising of 10 km from the plant site shall be carried out through a reputed institute / agency which shall consist of detail assessment of the impact on livelihood of the local communities.
 - xlii. Action Plan for identification of local employable youth for training in skills, relevant to the project, for eventual employment in the project itself shall be formulated and numbers specified during construction & operation phases of the Project.
 - xliii. If the area has tribal population it shall be ensured that the rights of tribals are well protected. The project proponent shall accordingly address tribal issues under various provisions of the law of the land.
 - xliv. A detailed CSR plan along with activities wise break up of financial commitment shall be prepared. CSR component shall be identified considering need based assessment study and Public Hearing issues. Sustainable income generating measures which can help in upliftment of affected section of society, which is consistent with the traditional skills of the people shall be identified. Separate budget for community development activities and income generating programmes shall be earmarked.
 - xlv. While formulating CSR schemes it shall be ensured that an in-built monitoring mechanism for the schemes identified are in place and mechanism for conducting annual social audit from the nearby government institute of repute in the region shall be prepared. The project proponent shall also provide Action Plan for the status of implementation of the scheme from time to time and dovetail the same with any Govt. scheme(s). CSR details done in the past should be clearly spelt out in case of expansion projects.
 - xlvi. R&R plan, as applicable, shall be formulated wherein mechanism for protecting the rights and livelihood of the people in the region who are likely to be impacted, is taken into consideration. R&R plan shall be formulated after a detailed census of population based on socio economic surveys who were

dependant on land falling in the project, as well as, population who were dependant on land not owned by them.

- xlvi. Assessment of occupational health and endemic diseases of environmental origin in the study area shall be carried out and Action Plan to mitigate the same shall be prepared.
- xlviii. Occupational health and safety measures for the workers including identification of work related health hazards shall be formulated. The company shall also engage full time qualified doctors who are trained in occupational health. Health monitoring of the workers shall be conducted at periodic intervals and health records maintained. Awareness programme for workers due to likely adverse impact on their health due to working in non-conducive environment shall be carried out and precautionary measures like use of personal equipments etc. shall be provided. Review of impact of various health measures undertaken at intervals of two to three years shall be conducted with an appropriate follow up plan of action wherever required.
- xliv. One complete season site specific meteorological and AAQ data (except monsoon season) as per latest MoEF&CC Notification shall be collected and the dates of monitoring shall be recorded. The parameters to be covered for AAQ shall include PM10, PM2.5, SO2, NOx, CO and Hg. The location of the monitoring stations should be based on the upwind direction, pre-dominant downwind direction, other dominant directions, habitation and sensitive receptors. There should be at least one monitoring station each in the upwind and in the pre-dominant downwind direction at a location where maximum ground level concentration is likely to occur.
 - 1. In case of expansion project, air quality monitoring data of 104 observations a year for relevant parameters at air quality monitoring stations as identified/stipulated shall be submitted to assess compliance of AAQ Standards (annual average as well as 24 hrs).
 - 1i. A list of industries existing and proposed in the study area shall be furnished.
 - 1ii. Cumulative impacts of all sources of emissions including handling and transportation of existing and proposed projects on the environment of the area shall be assessed in detail. Details of the Models used and the input data used for modeling shall also be provided. The air quality contours should be plotted on a location map showing the location of project site, habitation nearby, sensitive receptors, if any. The windrose and isopleths should also be shown on the location map. The cumulative study should also include impacts on water, soil and socio-economics.
 - 1iii. Radio activity and heavy metal contents of coal to be sourced shall be examined and submitted along with laboratory reports.
 - 1iv. Fuel analysis shall be provided. Details of auxiliary fuel, if any, including its quantity, quality, storage etc should also be furnished.
 - 1v. Quantity of fuel required, its source and characteristics and documentary evidence to substantiate confirmed fuel linkage shall be furnished. The Ministry's Notification dated 02.01.2014 regarding ash content in coal shall be complied. For the expansion projects, the compliance of the existing units to the said Notification shall also be submitted

- 1vi. Details of transportation of fuel from the source (including port handling) the proposed plant and its impact on ambient AAQ shall be suitably assessed and submitted. If transportation entails a long distance it shall be ensured that rail transportation to the site shall be first assessed. Wagon loading at source shall preferably be through silo/conveyor belt.
- 1vii. For proposals based on imported coal, inland transportation and port handling and rail movement shall be examined and details furnished. The approval of the Port and Rail Authorities shall be submitted.
- 1viii. Details regarding infrastructure facilities such as sanitation, fuel, restrooms, medical facilities, safety during construction phase etc. to be provided to the labour force during construction as well as to the casual workers including truck drivers during operation phase should be adequately catered for and details furnished.
- lix. EMP to mitigate the adverse impacts due to the project along with item - wise cost of its implementation in a time bound manner shall be specified.
- 1x. A Disaster Management Plan (DMP) along with risk assessment study including fire and explosion issues due to storage and use of fuel should be carried out. It should take into account the maximum inventory of storage at site at any point of time. The risk isopleths should be plotted on the plant layout map clearly showing which of the proposed activities would be affected in case of an accident taking place. Based on the same, proposed safeguard measures should be provided. Measures to safeguard against fire hazards should also be invariably provided. Mock drills shall be suitably carried out from time to time to check the efficiency of the plans drawn.
- 1xi. The DMP so formulated shall include measures against likely Fires/Tsunami/Cyclones/Storm Surges/Earthquakes etc, as applicable. It shall be ensured that DMP consists of both On-site and Off-site plans, complete with details of containing likely disaster and shall specifically mention personnel identified for the task. Smaller version of the plan for different possible disasters shall be prepared both in English and local languages and circulated widely.
- 1xii. Detailed scheme for raising green belt of native species of appropriate width (50 to 100 m) and consisting of at least 3 tiers plantation around plant boundary with tree density of 2000 to 2500 per ha with a good survival rate of around 80% shall be submitted. Photographic evidence must be created and submitted periodically including NRSA reports in case of expansion projects. A shrub layer beneath the tree layer would serve as an effective sieve for dust and sink for CO₂ and other gaseous pollutants and hence a stratified green belt should be developed.
- 1xiii. Over and above the green belt, as carbon sink, plan for additional plantation shall be drawn by identifying blocks of degraded forests, in close consultation with the District Forests Department. In pursuance to this, a time bound Action Plans to be formulated along with financial allocation and shall submit status of implementation to the Ministry every six months.
- 1xiv. Corporate Environment Policy

- a. Does the company has a well laid down Environment Policy approved by its Board of Directors? If so, it may be detailed in the EIA report.
- b. Does the Environment Policy prescribe for standard operating process / procedures to bring into focus any infringement / deviation / violation of the environmental or forest norms / conditions? If so, it may be detailed in the EIA.
- c. What is the hierarchical system or Administrative order of the company to deal with the environmental issues and for ensuring compliance with the environmental clearance conditions. Details of this system may be provided.
- d. Does the company has compliance management system in place wherein compliance status along with compliances / violations of environmental norms are reported to the CMD and the Board of Directors of the company and / or shareholders or stakeholders at large? This reporting mechanism should be detailed in the EIA report.

All the above issues should be adequately brought out in the EIA report and in the presentation to the Committee.

- 1xv. Details of litigation pending or otherwise with respect to project in any Court, Tribunal etc. shall invariably be furnished.
12. Besides the following general points shall be followed:
 - a. All documents to be properly referenced with index, page numbers and continuous page numbering.
 - b. Where data is presented in the report especially in table, the period in which the data was collected and the source should invariably be indicated.
 - c. Where the documents provided are in a language other than English, an English translation should be provided.
 - d. The Questionnaire for environmental appraisal of thermal power projects as devised earlier by the Ministry shall also be filled and submitted.
 - e. The consultants involved in the preparation of EIA/EMP report after accreditation with Quality Council of India (QCI) / National Accreditation Board of Education and Training (NABET) would need to include a certificate in this regard in the EIA/ EMP reports prepared by them and data provided by other organization / Laboratories including their status of approvals etc. In this regard Circular No. J-11013/77/2004-IA-II (I) dated 2nd December, 2009 is posted on the Ministry's website <http://www.moef.nic.in> may be referred.

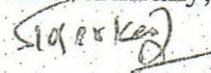
In addition to the above, information on the following may also be incorporated in the EIA report.

13. Is the project intended to have CDM-intent?
 - (i) If not, then why?
 - (ii) If yes, then
 - a. Has PIN (Project Idea Note) (or PCN (Project Concept Note)) submitted to the NCA (National CDM Authority) in the MoEF&CC?
 - b. If not, then by when is that expected?
 - c. Has PDD (Project Design Document) been prepared?
 - d. What is the Carbon intensity from electricity generation projected (i.e. CO₂ Tons/MWH or Kg/KWH)

- e. Amount of CO₂ in Tons/year expected to be reduced from the baseline data available on the CEA's web-site (www.cea.nic.in)
14. Notwithstanding 13(i) above, data on 13(ii) (d) & (e) above shall be worked out and reported.
15. **The Environmental Clearance shall be applied only after fuel and water linkages are firmed up.**
16. After preparing the Draft EIA (as per the generic structure prescribed in Appendix-III of the EIA Notification, 2006) covering the above mentioned issues, the same shall be submitted to the SPCB for conducting the public hearing as per procedures of EIA notification 2006. The issues emerged during public hearing shall be further incorporated in the Draft EIA/EMP report. The final EIA/EMP report along with public hearing report and the requisite documents (*including written objections, if any*) shall be submitted to the Ministry for appraisal by the Expert Appraisal Committee for consideration of recommending environmental clearance under the provisions of Environmental Impact Assessment notification dated September 14, 2006.
17. The TORs prescribed shall be valid for a period of **three years** from the date of issue for submission of final EIA/ EMP reports, after public consultation.

This issues with the approval of the Competent Authority.

Yours faithfully,


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

Copy to:-

1. The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001.
2. The Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
3. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032.
4. The Additional Director General of Forests (C), Ministry of Environment Forests and Climate Change, Regional Office, (EZ), A/3, Chandrasekharpur, Bhubaneswar-751023.
5. The Principal Secretary, Environment Department, Department of Environment, 5th Floor, Pranisampad Bhawan, Block LB-II, Salt Lake, Sector III, Bidhannagar, Kolkata - 700106.
6. The Chairman, West Bengal Pollution Control Board, Parivesh Bhawan, Building No. 10A, Block-LA, Sector-III, Salt Lake City, Kolkata-700098.
7. The District Collector, Murshidabad District, Govt. of West Bengal, West Bengal-742101.
8. Guard file/Monitoring file.
9. Website of MoEF&CC.


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

ms/2252
08/05/19

124

EIM-B519
08/05/19

'R2'

Memo no. WBPDCL / Dir (P) / 1916

Date: 06.05.19

The Member Secretary
West Bengal Pollution Control Board,
Paribesh Bhawan,
10A, Block LA, Sector III
Kolkata - 700 106

West Bengal Pollution Control Board

Diary No. 2290C
Date 5.5.19
Referred to : EE (EIM)
Remarks :

Member Secretary

Dear Sir TOR for the proposed 1 X 660MW Supercritical Thermal Power Phase-III Expansion Unit No.5 at Sagardighi Thermal Power Project,

We write in reference to the Terms of Reference (TOR) issued for the proposed Unit referred above, by the MOEF & CC, Govt. of India, vide letter no. F.No.J.13012/01/2019-IA.I (T) dated 26.03.19 , from the Director, IA.I, MOEF & CC, in reply to our application no. IA/WB/THE/94262/2019 dated 05.02.19.

As directed in the TOR, we hereby submit soft copies of 'Draft EIA' and Executive Summaries in Bengali and English, requesting to kindly arrange to upload them on WBPCB's website and publish notices in the newspapers (both in Bengali and English) for seeking comments from the general public. Comments received shall be addressed in the Final EIA to be submitted to MOEF & CC. The expenses incurred for publishing the notices shall be borne by WBPDCL

We take this opportunity to inform that public hearing was once conducted on 16.09.16 , in connection with our previous application for 1x500 MW subcritical unit at the same location. The project was later shelved. As specified in the referred TOR conducting a fresh Public Hearing would not be necessary if we submit our application within three years from the date of the previous Hearing. The EPC contract for the proposed project has already been awarded to BHEL and we would , for all practical purposes , wish to avoid another Public Hearing, which would cause further delay in commencement of the project.

We would therefore earnestly request you to kindly arrange to do the needful expeditiously.

Thanking you,

Yours faithfully

Indranil Dutta

Indranil Dutta
Director (Projects)

A. Garguly
A.D.
7/5/19



125
EIM-B635

R-3

৫৭

131

Biswanay 13.05.19

28/5/19 The Times of India
13.05.19

বিজ্ঞপ্তি

পশ্চিমবঙ্গ দূষণ নিয়ন্ত্রণ পর্ষদ

জনসাধারণকে এতদ্বারা জানানো হচ্ছে যে মেসার্স ওয়েস্ট বেঙ্গল পাওয়ার ডেভেলপমেন্ট কর্পোরেশন লিমিটেড, প্রস্তাবিত ১x৬৬০ মেগাওয়াট (ফেজ-৩ এবং ইউনিট-৫) কোল-বেসড সুপারক্রিটিক্যাল সাগরদীঘি থার্মাল পাওয়ার প্রোজেক্ট, গ্রাম-মণিগ্রাম, চাঁদপাড়া, কাঞ্চনপাড়া, হরিরামপুর, জেলা-মুর্শিদাবাদ, পশ্চিমবঙ্গ-এর জন্য পরিবেশ, বন ও জলবায়ু পরিবর্তন মন্ত্রক, ভারত সরকার-এর থেকে ইআইএ-ইএমপি স্টাডিজের জন্য টার্মস অফ রেফারেন্স (টিওআর) পেয়েছেন যার নম্বর জে-১৩০১২/২৭/২০১৪-IA.II(টি) তারিখ ২৬.০৩.২০১৯। উক্ত টিওআর-এর ক্রম নম্বর ১১(২) অনুযায়ী, প্রস্তাবিত সম্প্রসারণ প্রকল্পের ইআইএ/ইএমপি রিপোর্টের ড্রাফ্ট ইতিমধ্যে পশ্চিমবঙ্গ দূষণ নিয়ন্ত্রণ পর্ষদ-এর ওয়েবসাইট (www.wbpcb.gov.in)-এ আপলোড করা হয়েছে জনসাধারণের থেকে মন্তব্য নেবার জন্য। প্রাপ্ত মন্তব্য চূড়ান্ত ইআইএ-ইএমপি রিপোর্টে উল্লেখ করা হবে।

প্রস্তাবিত প্রকল্প অথবা কার্যাবলীর দরুন পরিবেশগত প্রভাবিত হতে পারেন এরূপ কোন সংশ্লিষ্ট ব্যক্তি তাঁর পরামর্শ/আপত্তি লিখিতভাবে মেম্বার সেক্রেটারি, পশ্চিমবঙ্গ দূষণ নিয়ন্ত্রণ পর্ষদ, 'পরিবেশ ভবন', ১০এ, ব্লক-এলএ, সেক্টর-৩, বিধাননগর, কলকাতা-৭০০০১৬-এর কাছে জানাতে পারেন।

মেম্বার সেক্রেটারি
পশ্চিমবঙ্গ দূষণ নিয়ন্ত্রণ পর্ষদ

NOTICE

West Bengal Pollution Control Board

This is for the information of the general public that M/s. West Bengal Power Development Corporation Ltd. has obtained Terms of Reference (ToR) for EIA-EMP studies for the proposed 1x660 MW. (Phase-Iff & Unit-5) Coal based Supercritical Sagardighi Thermal Power Project, Vill-Manigram, Chandpara, Kanchanpara, Harirampur, Dist. - Murshidabad, West Bengal from the Ministry of Environment, Forést & Climate Change, Govt. of India vide No. J-13012/27/2014-IA.II(T) dated 26.03.2019. As per clause no. 11(ii) of the said ToR the draft EIA/EMP report for the proposed expansion project has already been uploaded in the website of West Bengal Pollution Control Board (www.wbpcb.gov.in) for seeking comments from the general public. The comments received so will be duly addressed in the final EIA-EMP report.

Any concerned persons having a plausible stake in the environmental aspects of the project or activity may make suggestions/objections in writing to the Member Secretary, West Bengal Pollution Control Board, 'Paribesh Bhawan', 10A, Block -LA, Sector-III, Bidhannagar, Kolkata - 700016.

Member Secretary
West Bengal Pollution Control Board

[Handwritten signature and date]
28/5/19



126
R-4
WEST BENGAL POLLUTION CONTROL BOARD
(Department of Environment, Govt. of West Bengal)
Paribesh Bhawan, 10A, Block - LA, Sector-III
Bidhannagar, Kolkata-700 106, India
Tel : 2335 - 9088 / 7428 / 8211 / 6731 / 0261 / 8861 / 5868 / 1625
Fax : 2335 - 5868 / 2813
City Code : 33, Country Code : 91
Website: www.wbpcb.gov.in

Memo No. 615-2N-89/2008(E)

Dated: 27.06.2019.

To
Sri Indranil Dutta, Director (Projects)
The West Bengal Power Development Corporation Limited
Bidyut Unnayan Bhaban, 3/C, Block - LA
Esctor - III, Bidhannagar, Kolkata - 700098

Sub: Environmental Clearance for the proposed 1X660 MW Supercritical unit at Sagardighi Thermal Power Project

Ref: Your letter no. WBPDC/Dir(P)/1927 dated 27.06.2019.

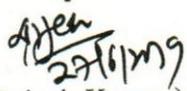
Sir,

With reference to the above, this is to inform you that as per condition given in Terms of Reference issued by MoEF & CC for your above mentioned proposed project, soft copies of draft EIA report as well as Executive Summary of the proposed project were uploaded in WBPCB website and notice in this regard was published in newspapers namely 'The Times of India' in English and 'Ei Samay' in Bengali on 13.05.2019. No comments or queries from the general public have been received in this regard by the State Board till date.

This is for your information in this regard.

Thanking you,

Yours faithfully,


(Dr. Rajesh Kumar)
Member Secretary
West Bengal Pollution Control Board

BEFORE THE NATIONAL
GREEN TRIBUNAL
EASTERN ZONE BENCH,
KOLKATA/EZ

APPEAL NO. 03/2020/EZ

BETWEEN
TUSHAR KANTI DUBEY
..... APPLICANT

VERSUS

UNION OF INDIA & ORS

..... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF
THE RESPONDENT NO. 03
THE WEST BENGAL
POLLUTION CONTROL
BOARD.

PRITHWISH KUMAR BASU

Advocate

W.B.P.C.B