

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 571/2022

IN THE MATTER OF OA. NO. 571/2022 SUBMITTED TO HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI IN COMPLIANCE TO HON'BLE NGT ORDER DATED 19.12.2022.

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Dt: 16.02.2023
Place: Visakhapatnam.

(S.Venkateswarlu)
Environmental Engineer,
A.P. Pollution Control Board,
Regional Office, Visakhapatnam
Environmental Engineer
A.P. Pollution Control Board
Regional Office, Visakhapatnam

Action taken report in connection with O.A. No. 571 of 2022 of Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi order dated 19.12.2022:

The Hon'ble NGT issued order on 19.12.2022 in O.A No. 571 of 2022 and directed that :

"4. In view of the averments in the application and observations in the report of the Joint Committee, we consider it appropriate to have response of (1) State of Andhra Pradesh through Chief Secretary, Government of Andhra Pradesh, (2) the Secretary, Ministry of Environment, Forest and Climate Change, Government of India, (3) the Secretary, Ministry of Ports, Shipping and Waterways, Government of India, (4) APSPCB, (5) the District Magistrate, Visakhapatnam, (5) the Project Proponent- M/s Visakhapatnam Port Trust, and (6) the Project Proponent - M/s Gangavaram Port Ltd., who stand impleaded as respondents No. 1 to 6. The Registry is directed to prepare and attach memo of parties to the application. Respondent no. 4 has already appeared before this Tribunal through counsel. Notices be issued to respondents No.1,2,3,5 and 6.

5. Notices be served on the Project Proponents- M/s Visakhapatnam Port Trust and M/s Gangavaram Port Ltd. through the District Magistrate, Visakhapatnam and for this purpose notices issued to the Project Proponents be sent to the District Magistrate, Visakhapatnam by E-mail for getting service of the same effected on them and sending his report in this regard.

6. Reply/response by the respondents be filed within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF

7. List for further consideration on 29.03.2023 "

The copy of the Hon'ble NGT Order dated 19.12.2022 is herewith annexed(Annexure-I). As directed by the Hon'ble National Green Tribunal (NGT), order dated 19.12.2022, the Collector & District Magistrate, Visakhapatnam served the notices to M/s Visakhapatnam Port Trust and M/s Gangavaram Port Ltd on 23.01.2023. The copies of the acknowledgments are annexed (Annexure-II & III).

The Board issued showcase notices to M/s Visakhapatnam Port Trust and M/s Gangavaram Port Ltd., on 10.02.2023. Copies of the showcase notices are annexed (Annexure-IV & V).

The District Collector, Visakhapatnam vide letter dated 13.02.2023 directed all the concerned stake holder departments to implement the recommendations of the Joint Committee concerning to their department. Copy of the letter dated 13.02.2023 is annexed (Annexure-VI).

Submitted.



ENVIRONMENTAL ENGINEER
Environmental Engineer
A.P. Pollution Control Board
Regional Office, Visakhapatnam

Annexure-I

Item No.05

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(Through Physical Hearing with Hybrid VC Option)
Original Application No. 571/2022

Lakshmana Guntreddi

...Applicant

Versus

State of Andhra Pradesh & Ors.

...Respondents

Date of hearing: 19.12.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None.

Respondent: Mr. TVS Raghavendra Sreyas, Advocate for APPCB.

Application is registered based on a letter petition received by email.**ORDER**

1. The grievances in the present application are that residents of Visakhapatnam are suffering from air and water pollution due to improper transportation of materials in Visakhapatnam and Gangavaram Ports. Railway wagons and road transports are also not following proper procedure like covering of transported materials and are transporting the materials in over loaded vehicles. Due to naturally occurring radioactive source, residents are inhaling unwanted materials generated from coal, iron etc. and are getting high fevers but the hospitals are making business in the name of dengue. The applicant has accordingly requested for deputing special team for cross checking the transportation of materials in both the ports.

O. A. No. 571/2022

Lakshmana Guntreddi Vs.
State of Andhra Pradesh & Ors.

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2. Vide order dated 07.09.2022, this Tribunal constituted a Joint Committee and directed the same to submit its report within one month.
3. In compliance thereof the report of the Joint Committee has been filed by Mr. T. Sudarsanam, Environment engineer (FAC), APPCB, Regional Office, Visakhapatnam vide email dated 13.12.2022.
4. In view of the averments in the application and observations in the report of the Joint Committee, we consider it appropriate to have response of (1) State of Andhra Pradesh through Chief Secretary, Government of Andhra Pradesh, (2) the Secretary, Ministry of Environment, Forest and Climate Change, Government of India, (3) the Secretary, Ministry of Ports, Shipping and Waterways, Government of India, (4) APSPCB, (5) the District Magistrate, Visakhapatnam, (5) the Project Proponent- M/s Visakhapatnam Port Trust, and (6) the Project Proponent-M/s Gangavaram Port Ltd., who stand impleaded as respondents No. 1 to 6. The Registry is directed to prepare and attach memo of parties to the application. Respondent no. 4 has already appeared before this Tribunal through counsel. Notices be issued to respondents No. 1, 2, 3, 5 and 6.
5. Notices be served on the Project Proponents- M/s Visakhapatnam Port Trust and M/s Gangavaram Port Ltd. through the District Magistrate, Visakhapatnam and for this purpose notices issued to the Project Proponents be sent to the District Magistrate, Visakhapatnam by E-mail for getting service of the same effected on them and sending his report in this regard.
6. Reply/response by the respondents be filed within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF
7. List for further consideration on 29.03.2023.

O. A. No. 571/2022

Lakshmana Guntreddi Vs.
State of Andhra Pradesh & Ors.

-3-

8. A copy of this order be sent to the District Magistrate,
Visakhapatnam for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 19, 2022
AG

Email

APPCB, RO, VSP - Notice in Original Application No. 571/2022 regarding O.A No.571 of 2022 (Principal bench) – Regarding.

From : RO Visakhapatnam <rovsp-ee1@appcb.gov.in> Sun, Jan 22, 2023 01:51 PM
Subject : APPCB, RO, VSP - Notice in Original Application No. 571/2022 regarding O.A No.571 of 2022 (Principal bench) – Regarding. 2 attachments
To : vptenvironmentcell21 <vptenvironmentcell21@gmail.com>, cevpt15@gmail.com
Cc : pmraju dr vpt <pmraju.dr.vpt@gmail.com>, vptenvironmentcell <vptenvironmentcell@gmail.com>


To
The Occupier,
Visakhapatnam Port Trust, Visakhapatnam.

Sir/Madam,

Please find attached the District Collector, Visakhapatnam letter dt: 22.01.2023 and the Hon'ble NGT Notice dt: 29.12.2022 in OA No.571 of 2022. As directed by the Hon'ble NGT, it is requested to acknowledge the receipt of the notice dt: 29.12.2022 and take necessary action for implementation of the Hon'ble NGT Orders.

Regards,
Environmental Engineer,
APPCB, Regional Office,
Visakhapatnam.

 **Collector Office ltr dt.22.01.2023.pdf**
98 KB

 **NOTICE DATED 29.12.2022 IN OA 571 OF 2022 (1).pdf**
648 KB

(M)Rc.No.1708/2022/MagLC4,dt22/01/2023

Collector's Office,
Visakhapatnam.

From
Dr.A.Mallikarjuna,I.A.S.,
Collector & District Magistrate
Visakhapatnam
Sir,

To
The Environmental Engineer,
Andhra Pradesh Pollution Control board,
Visakhapatnam.

Sub: **National Green Tribunal**- O.A No.571 of 2022 (Principal bench) – regarding air and water pollution due to transportation of materials in Visakhapatnam and Gangavaram Ports- Request to serve notices to the Project Proponents- M/s Visakhapatnam Port Trust and M/s Gangavaram Port Ltd-Regarding.

Ref: 1 F.No.APPCB-13024/28/2022-LEGAL SEC-APPCB dt, 22.09.2021 of the member Secretary to Government Andhra Pradesh Pollution Control Board, Vijayawada.
2 This Office Proceedings in Rc.No.1708/2022/MagLC4,dt:12.10.2022
3 Notice of the Hon'ble NGT in OA No 571 of 2022

&&&

Adverting to the references cited, it is to inform that on the petition(The matter relates to air and water pollution due to transportation of materials in Visakhapatnam and Gangavaram Ports) filed by Sri Lakshmana Guntreddi the Hon'ble NGT New Delhi has registered an Original Application vide (O.A) No. 227 of 2021(Principal bench) and ordered to constitute a Joint Committee comprising of representative of State PCB, Nuclear fuel complex, Hyderabad; Coastal Zone Management Authority (CZMA), Andhra Pradesh and Collector, Visakhapatnam and directed the same to meet, undertake visits to sites, look into the grievances of the applicant, associate the applicant and representatives of the concerned project proponents, verify the factual position and submit its report within one month. Accordingly as per the instructions of NGT a detailed report was submitted to the Hon'ble NGT.

The Hon'ble National Green Tribunal, New Delhi Vide reference 2nd cited has ordered the following "*In view of the averments in the application and observations in the report of the Joint Committee, we consider it appropriate to have response of (1) State of Andhra Pradesh through Chief Secretary, Government of Andhra Pradesh, (2) the Secretary, Ministry of Environment, Forest and Climate Change, Government of India, (3) the Secretary, Ministry of Ports, Shipping and Waterways, Government of India, (4) APSPCB, (5) the District Magistrate, Visakhapatnam, (5) the Project Proponent- M/s Visakhapatnam Port Trust, and (6) the Project Proponent-M/s Gangavaram Port Ltd., who stand impleaded as respondents No. 1 to 6. The Registry is directed to prepare and attach memo of parties to the application. Respondent no. 4 has already appeared before this Tribunal through counsel. Notices be issued to respondents No. 1, 2, 3, 5 and 6. Notices be served on the Project Proponents- M/s Visakhapatnam Port Trust and M/s Gangavaram Port Ltd. through the District Magistrate, Visakhapatnam and for this purpose notices issued to the Project Proponents be sent to the District Magistrate, Visakhapatnam by E-mail for getting service of the same effected on them and sending his report in this regard. Reply/response by the respondents be filed within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF .List for further consideration on 29.03.2023.*"

In this regard I request to serve the notices to Project Proponents i.e. M/s Visakhapatnam Port Trust and M/s Gangavaram Port Ltd under proper acknowledgment as per

the orders of Hon'ble NGT and also requested to take necessary further course of action in this regard.

Encl: Hon'ble NGT Order

Yours faithfully,
S Sreenivasa Murthy
For Collector,
Visakhapatnam.

Copy to Project Proponents i.e. M/s Visakhapatnam Port Trust and M/s Gangavaram Port Ltd for information and necessary action.

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
ORIGINAL APPLICATION NO. 571 OF 2022
Lakshmana Guntreddi Vs State of Andhra Pradesh & Ors.

To

1. **State of Andhra Pradesh**
through Chief Secretary, Government of Andhra Pradesh,
Government of Andhra Pradesh, 1st Block, 1st Floor,
A.P Secretariat Office, Velagapudi-522023
Email Address: cs@ap.gov.in (RESPONDENT NO.1)
2. **The Secretary, Ministry of Environment,
Forest and Climate Change, Government of India**
Paryavaran Bhawan, Jorbagh,
New Delhi-110003
Email: scey-moef@nic.in (RESPONDENT NO.2)
3. **The Secretary, Ministry of Ports,
Shipping and Waterways, Government of India**
Pariyahan Bhavan, 1, Parliament Street, New Delhi-110001
Email Address: js-ports@nic.in (RESPONDENT NO.3)
4. **District Magistrate, Visakhapatnam**
Main Road, Krishnagar, Krishna Nagar, Maharani Peta,
Visakhapatnam, Andhra Pradesh-530002
Email Address: collector_vspm@ap.gov.in (RESPONDENT NO.5)
5. **M/s Visakhapatnam Port Trust**
(Project Proponent)
Port Area, Visakhapatnam, Andhra Pradesh 530035
Email Address: e-reg.vpt@gov.in (RESPONDENT NO.6)
6. **M/s Gangavaram Port Ltd.**
(Project Proponent)
Visakhapatnam, Andhra Pradesh-530044
Email Address: ashishkumar@gangavaram.com/
port@gangavaram.com (RESPONDENT NO.7)

NOTICE

Whereas the above titled Application was listed before the Hon'ble Tribunal on 19.12.2022 (copy of order, petition and report are enclosed), when the Tribunal inter-alia passed the following order (reproduced relevant extracts only):-

"4. In view of the averments in the application and observations in the report of the Joint Committee, we consider it appropriate to have response of (1) State of Andhra Pradesh through Chief Secretary, Government of Andhra Pradesh, (2) the Secretary, Ministry of Environment, Forest and Climate Change, Government of India, (3) the Secretary, Ministry of Ports, Shipping and Waterways, Government of India, (4) APSPCB, (5) the District Magistrate, Visakhapatnam, (5) the Project Proponent- M/s Visakhapatnam Port Trust, and (6) the Project Proponent-M/s Gangavaram Port Ltd., who stand impleaded as respondents No. 1 to 6. The Registry is directed to prepare and attach memo of parties to the application. Respondent no. 4 has already appeared before this Tribunal through counsel. Notices be issued to respondents No. 1, 2, 3, 5 and 6.

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6. Reply/response by the respondents be filed within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF

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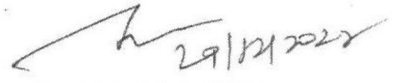
2. Now, take further notice that the above matter will be listed for further consideration before the Hon'ble Tribunal on 29th March, 2023, at Faridkot House, Copernicus Marg, New Delhi-110001 through physical hearing (with hybrid option), when you may appear before the Hon'ble Tribunal either in person or by a pleader duly instructed, and file responses/replies, as per directions of the Hon'ble Tribunal vide Order dated 19.12.2022.

Continued.....

3. Take further notice that in default of your appearance on the date above mentioned, the said Application will be heard and determined in your absence.

4. Given under my hand and the seal of this Tribunal, on this 29th December, 2022.

Note: (For Orders, Cause Lists & other information, please visit our website www.greentribunal.gov.in)

 29/12/2022

Consultant (Judicial), NGT



Email

APPCB, RO, VSP - Notice in Original Application No. 571/2022 regarding O.A No.571 of 2022 (Principal bench) --Regarding.

From : RO Visakhapatnam <rovsp-ee1@appcb.gov.in> Sun, Jan 22, 2023 01:46 PM
Subject : APPCB, RO, VSP - Notice in Original Application No. 571/2022 regarding O.A No.571 of 2022 (Principal bench) --Regarding. 2 attachments
To : jyothi <jyothi@gangavaram.com>


To
The Occupier,
Gangavaram Port, Visakhapatnam.

Sir/Madam,

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Regards,
Environmental Engineer,
APPCB, Regional Office,
Visakhapatnam.

 **Collector Office ltr dt.22.01.2023.pdf**
98 KB

 **NOTICE DATED 29.12.2022 IN OA 571 OF 2022 (1).pdf**
648 KB

(M)Rc.No.1708/2022/Maglc4,dt22/01/2023

Collector's Office,
Visakhapatnam.

From
Dr.A.Mallikarjuna,I.A,S.,
Collector & District Magistrate
Visakhapatnam
Sir,

To
The Environmental Engineer,
Andhra Pradesh Pollution Control board,
Visakhapatnam.

Sub: **National Green Tribunal**- O.A No.571 of 2022 (Principal bench) – regarding air and water pollution due to transportation of materials in Visakhapatnam and Gangavaram Ports- Request to serve notices to the Project Proponents- M/s Visakhapatnam Port Trust and M/s Gangavaram Port Ltd-Regarding.

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In this regard I request to serve the notices to Project Proponents i.e. M/s Visakhapatnam Port Trust and M/s Gangavaram Port Ltd under proper acknowledgment as per

Received copy
For Adani Gangavaram Port Ltd Limited
D. Jyoti
(Dr. D. Jyoti)
Vice President (ment) 23/1/23

the orders of Hon'ble NGT and also requested to take necessary further course of action in this regard.

Encl: Hon'ble NGT Order

Yours faithfully,
S Sreenivasa Murthy
For Collector,
Visakhapatnam.

Copy to Project Proponents i.e. M/s Visakhapatnam Port Trust and M/s Gangavaram Port Ltd for information and necessary action.

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
ORIGINAL APPLICATION NO. 571 OF 2022
Lakshmana Guntreddi Vs State of Andhra Pradesh & Ors.

To

1. **State of Andhra Pradesh**
through Chief Secretary, Government of Andhra Pradesh,
Government of Andhra Pradesh, 1st Block, 1st Floor,
A.P Secretariat Office, Velagapudi-522023
Email Address: cs@ap.gov.in (RESPONDENT NO.1)
2. **The Secretary, Ministry of Environment,
Forest and Climate Change, Government of India**
Paryavaran Bhawan, Jorbagh,
New Delhi-110003
Email: scey-moef@nic.in (RESPONDENT NO.2)
3. **The Secretary, Ministry of Ports,
Shipping and Waterways, Government of India**
Paryahan Bhavan, 1, Parliament Street, New Delhi-110001
Email Address: js-ports@nic.in (RESPONDENT NO.3)
4. **District Magistrate, Visakhapatnam**
Main Road, Krishnagar, Krishna Nagar, Maharani Peta,
Visakhapatnam, Andhra Pradesh-530002
Email Address: collector_vspm@ap.gov.in (RESPONDENT NO.5)
5. **M/s Visakhapatnam Port Trust**
(Project Proponent)
Port Area, Visakhapatnam, Andhra Pradesh 530035
Email Address: e-reg.vpt@gov.in (RESPONDENT NO.6)
6. **M/s Gangavaram Port Ltd.**
(Project Proponent)
Visakhapatnam, Andhra Pradesh-530044
Email Address: ashishkumar@gangavaram.com/
port@gangavaram.com (RESPONDENT NO.7)

NOTICE

Whereas the above titled Application was listed before the Hon'ble Tribunal on 19.12.2022 (copy of order, petition and report are enclosed), when the Tribunal inter-alia passed the following order (reproduced relevant extracts only):-

"4. In view of the averments in the application and observations in the report of the Joint Committee, we consider it appropriate to have response of (1) State of Andhra Pradesh through Chief Secretary, Government of Andhra Pradesh, (2) the Secretary, Ministry of Environment, Forest and Climate Change, Government of India, (3) the Secretary, Ministry of Ports, Shipping and Waterways, Government of India, (4) APSPCB, (5) the District Magistrate, Visakhapatnam, (5) the Project Proponent- M/s Visakhapatnam Port Trust, and (6) the Project Proponent-M/s Gangavaram Port Ltd., who stand impleaded as respondents No. 1 to 6. The Registry is directed to prepare and attach memo of parties to the application. Respondent no. 4 has already appeared before this Tribunal through counsel. Notices be issued to respondents No. 1, 2, 3, 5 and 6.

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6. Reply/response by the respondents be filed within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF

7. List for further consideration on 29.03.2023."

2. Now, take further notice that the above matter will be listed for further consideration before the Hon'ble Tribunal on 29th March, 2023, at Faridkot House, Copernicus Marg, New Delhi-110001 through physical hearing (with hybrid option), when you may appear before the Hon'ble Tribunal either in person or by a pleader duly instructed, and file responses/replies, as per directions of the Hon'ble Tribunal vide Order dated 19.12.2022.

Continued.....

3. Take further notice that in default of your appearance on the date above mentioned, the said Application will be heard and determined in your absence.

4. Given under my hand and the seal of this Tribunal, on this 29th December, 2022.

Note: (For Orders, Cause Lists & other information, please visit our website www.ngttribunal.gov.in)

[Handwritten signature]
29/12/2022

Consultant (Judicial), NGT



Annexure-IV



ANDHRA PRADESH POLLUTION CONTROL BOARD

D.No.33-26-14D/2, Near Sunrise Hospital, Pushpa Hotel Center,
Chalamalavari Street, Kasturibaipet, Vijayawada - 520010
Phone: 0866-2463200, Website: <https://pcb.ap.gov.in>

Order No. 724/APPCB/ERM/TF/VSP/2023-

Date:10/02/2023.

SHOW CAUSE NOTICE

Sub:	APPCB - ERM - TF - M/s. Visakhapatnam Port Trust (VPT), Port Area, Visakhapatnam - Public compliant - O.A. No. 571 of 2022(PB) of Hon'ble NGT, New Delhi - directions of the Hon'ble NGT dt. 07.09.2022 - Joint Committee observations - Non-compliance of the CFO conditions and standard - Show Cause Notice - Issued - Reg.
Ref:	<ol style="list-style-type: none"> 1. Consent Order No.APPCB/VSP/VSP/45/CFO/HO/2017, dt.11.05.2017. 2. Consent Renewal Consent Order No: APPCB/VSP/VSP/45/CFO/HO/1933, dt.13.04.2022. 3. Hon'ble NGT, New Delhi order dt. 07.09.2022 in O.A. No. 571 of 2022(PB). 4. Final report of Joint committee filled on 13.12.2022. 5. Lr. No. NGT/APPCB/RO-VSP/2022-, dated 13.12.2022. 6. Hon'ble NGT order dated.19.12.2022 in O.A. No. 571 of 2022. 7. Collector & District Magistrate Lr. No. (M)Rc.No.1708/2022/Mag C4, dated 22.01.2023.

* * *

WHEREAS, you are operating a sea port in the name & style of M/s. Visakhapatnam Port Trust (VPT) at Visakhapatnam in an extent of about 1875 acres.

WHEREAS, the Port is having 18 Nos. of berths at Inner Harbor denoted as EQ 1 to EQ 9 berths, WQ 1 to WQ 5 berths, OR 1 & OR 2 berths and Fertilizer berth. The port is also having 6 Nos. of berths at Outer harbor denoted as OB1 & OB2 berths, SPM, VCTPL, OSTT, NOM, LPG and MPB berths.

WHEREAS, M/s. Visakhapatnam Port Trust (VPT) is handling dusty cargos like Coal, CP Coke, Pig iron, Steel, rice, Wheat, Alumina, Caustic soda, Palm Oil, maize, Sulphur, Urea, Gypsum, Liquid ammonia, LPG, Timber logs, Manganese ore, Bitumen, Methanol, POL, Crude oil, Iron ore, Containers, Coking coal, steam coal, toluene and Lime stone etc.

WHEREAS, the Board vide reference 1st cited, issued CFO & HWA order to M/s. VPT vide order dated 11.05.2017; and renewal order dt.13.04.2022 valid for the period upto 31.12.2026 for handling of 46.55 Million MT of cargo/ Annum including 1,00,000 TEU of containers, duly stipulating necessary conditions &

standards vide ref. 2nd cited.

WHEREAS, the Hon'ble NGT issued orders vide order dt.08.03.2017 in the application No.68/2015 to comply with the action plan submitted by VPT and the Board reviewed the status of action plan and CFO order conditions followed by directions issued vide orders dated 22.05.2017, 13.12.2017, 08.06.2018, 26.12.2018, 28.05.2019, 02.03.2020 & 07.07.2020.

WHEREAS, as per the directions of the Hon'ble NGT order dt. 13.06.2020, the Board levied Env. Compensation for Rs. 1.97 crores on VPT, which was paid by you.

WHEREAS, the Board issued directions dt. 21.12.2021 to handle dusty cargo in mechanized berths, to provide CC cameras at dusty cargo areas including coal yards and connect to the APPCB website etc.,

WHEREAS, Sri. Lakshmana Guntreddi, Visakhapatnam filed an application before Hon'ble NGT complaining that residents of Visakhapatnam are suffering from air & water pollution problems due to improper transportation of materials by M/s. Visakhapatnam Port Trust and M/s. Gangavaram Port Limited.

WHEREAS, the Hon'ble NGT took cognizance of the complaint and heard the matter and issued order on 07.09.2022. Further a joint committee was constituted to undertake visits to the sites, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponents, and verify the factual position.

WHEREAS, the Joint committee visited your site and submitted a report to the Hon'ble NGT on 13.12.2022; and the same is communicated to you.

WHEREAS, vide ref. 6th cited, the Hon'ble NGT issued order on 19.12.2022 in O.A No. 571 of 2022 and the operative part of the directions are as follows:

"In view of the averments in the application and observations in the report of the Joint Committee, we consider it appropriate to have response of (1) State of Andhra Pradesh through Chief Secretary, Government of Andhra Pradesh, (2) the Secretary, Ministry of Environment, Forest and Climate Change, Government of India, (3) the Secretary, Ministry of Ports, Shipping and Waterways, Government of India, (4) APSPCB, (5) the District Magistrate, Visakhapatnam, (5) the Project Proponent- M/s Visakhapatnam Port Trust, and (6) the Project Proponent - M/s Gangavaram Port Ltd., who stand impleaded as respondents No. 1 to 6. The Registry is directed to prepare and attach memo of parties to the application. Respondent no. 4 has already appeared before this Tribunal through counsel. Notices be issued to respondents No.1,2,3,5 and 6.

WHEREAS, the notice was served to you, as per the directions of the Hon'ble NGT .

WHEREAS, the Joint Committee observed the following non- compliance's of

conditions stipulated in the Consents granted by APPCB to your port :

- a. The facility shall submit the plan/ drawing showing the earlier coal and other dusty cargo stack yards in city interface shifted to port interior areas as a part of re-organization of the stacking yards which are near to the city interface.
- b. The facility shall construct 2 covered storage sheds of size 200m x 40m x 17 m and 200 m x30m x 17m at R6-R9 areas for storing the dusty cargo. Action plan with timelines shall be submitted.
- c. The Port shall connect the CC Cameras to APPCB website.
- d. The Port shall provide display sign boards at berths and cargo stocking area showing the details of the berth & cargo handling.
- e. The facility shall explore the possibility to install tube conveyor system to transport dusty cargo to control dust pollution on surroundings effectively as the facility located in Visakhapatnam city and also receiving complaints from the nearby residents on air pollution problems and shall submit the action plan in this regard.
- f. The facility shall install PLC based MDSS at all dusty stacking areas and shall report implementation progress every month to ZO, Visakhapatnam and RO, Visakhapatnam.
- g. The facility shall clean the internal roads on a daily basis.
- h. The terminal shall put sign boards (demarcation) on each container representing type of material stored in the container.

WHEREAS, the Joint committee also made the following recommendations for control of air pollution:

- a. The Ports shall implement semi-automatic coverage system of Tarpaulin in dusty cargo Transporting trucks/wagons.
- b. The Ports shall ensure 50% of coverage of Tarpaulin all sides of dusty cargo Transporting trucks/wagons, including rainy season to avoid the spillages.
- c. The Ports shall ensure covering of dusty cargo carrying trucks/wagons with tarpaulins tightened at all sides with ropes and shall avoid overload of dusty cargo material.
- d. The Ports shall provide separate web cameras at Tarpaulin sheet covering of trucks/wagon area, weighbridge, truck-tyre washing area, entrance & exit gate of the ports and shall maintain one month recorded data to produce at the request of the officer of the concerned authorities during their inspection.
- e. The Ports shall maintain coal stocking heights as per the APPCB consent conditions.
- f. M/s. VPT shall complete construction of closed sheds for storage of dusty Coal as per the APPCB consent conditions.
- g. The ports shall maintain Standard Operating Procedure for transportation

- of cargos through trucks/railway wagons for Tarpaulin covering of loaded trucks, security check before exit.
- h. The ports shall ensure vehicles fitness certificate issued by the competent authority for incoming trucks and outgoing (loaded) trucks.
 - i. The ports dusty cargo transport trucks shall display sticker showing valid vehicle fitness certificate and pollution certificate in front side of the vehicles.
 - j. The ports shall constitute a separate task force teams to verify the dusty cargo vehicle movement to monitor proper covering of Trucks/wagons with tarpaulin, spillage of materials and overloaded Trucks.
 - k. The ports shall carryout regular wetting of the internal roads and shall remove the sludge accumulated in drains time to time to avoid contamination of surrounding water bodies.
 - l. The ports shall upgrade existing truck tyre washing system to two stage automatic truck-tyre washing system to control dust emissions.

WHEREAS, it was noted from the above observations that you are not complying with the consent conditions & Board directions dt. 21.12.2021 despite of ample opportunity and time available to rectify the non-compliance's.

In view of the above, you are hereby directed to Show Cause as to why action shall not be initiated against your facility for non-compliance's of Board consent conditions/ directions and Environmental Compensation levied in the interest of safeguarding public health and environment. Your reply to the above non-compliance's and response to the recommendations of the Joint Committee constituted by the Hon'ble NGT in O.A No. 571 of 2022 (report enclosed) **within 15 days** from date of issue of this notice.

Should you fail to furnish your reply within the time stipulated, the Board will be constrained to initiate further action against your facility under Section 33(A) of the Water (Prevention & Control of Pollution) Amendment Act, 1988 and under Section 31(A) of the Air (Prevention & Control of Pollution) Amendment Act, 1987, without further notice.

Pravin Kumar Ias
MEMBER SECRETARY

To
The Occupier,
M/s Visakhapatnam Port Trust
Port Area,
Visakhapatnam

Copy to:

1. The Joint Chief Environmental Engineer, Zonal Office, Visakhapatnam for information and necessary action.

-
2. The Environmental Engineer, Regional Office, Visakhapatnam for information and necessary action.

Annexure-V



ANDHRA PRADESH POLLUTION CONTROL BOARD

D.No.33-26-14D/2, Near Sunrise Hospital, Pushpa Hotel Center,
Chalamalavari Street, Kasturibaipet, Vijayawada – 520010
Phone: 0866-2463200, Website: <https://pcb.ap.gov.in>

Order No. 754/APPCB/ERM/VSP/2023-

Date:10/02/2023.

SHOW CAUSE NOTICE

Sub:	APPCB – ERM – TF – M/s. Gangavaram Port, Gangavaram Village, Pedagan tyada Mandal, Visakhapatnam – O.A. No. 571 of 2022 (PB) before the Hon'ble NGT, New Delhi - Hon'ble NGT directions dt. 07.09.2022 – Joint Committee observations - Non-compliance to the CFO conditions and standards - Show Cause Notice - Issued – Reg.
Ref:	<ol style="list-style-type: none"> 1. Consent Order No. APPCB/VSP/VSP/113/CFO/HO/2015, dt.13.01.2016. 2. Auto renewal Order No. APPCB/VSP/VSP/113/CFO/HO/2020- dt. : 0/09/2020. 3. Hon'ble NGT, New Delhi order dt. 07.09.2022 in O.A. No. 571 of 2022(PB). 4. Final report of Joint committee filled on 13.12.2022. 5. Lr. No. NGT/APPCB/RO-VSP/2022-, dated 13.12.2022. 6. Hon'ble NGT order dated.19.12.2022 in O.A. No. 571 of 2022. 7. Collector & District Magistrate Lr. No. (M)Rc.No.1708/2022/Mag C4, dated 22.01.2023.

* * *

WHEREAS, you are operating a sea port in the name and style of M/s. Gangavaram Port Ltd located at Gangavaram, Pedagantyada (M) Visakhapatnam District and engaged in cargo handling of Coal, Iron ore, Agri products, Slag, Lime stone, Fertilizers, and General Cargo etc. in an extent of about 1800 Acres.

WHEREAS, you have obtained CFO & HWA of the Board vide order dated 13.01.2016 valid up to 31.12.2020 and subsequently the port obtained auto renewal of CFO order vide reference 2nd cited for the period upto 31.12.2025 for handling of Coal 25.0 MMTPA, Fertilizer 2.50 MMTPA, Lime stone 2.50 MMTPA, Industrial raw material 3.50 MMTPA, Bulk Alumina 1.50 MMTPA etc., with a total capacity of 40.95 MMTPA along with conditions.

WHEREAS, Sri. Lakshmana Guntreddi, Visakhapatnam filed an application before Hon'ble NGT complaining that residents of Visakhapatnam are suffering from air & water pollution due to improper transportation of materials by M/s. Visakhapatnam Port Trust and M/s. Gangavaram Port Limited.

WHEREAS, the Hon'ble NGT took cognizance of the complaint and heard the matter and issued order on 07.09.2022; and constituted a joint committee to undertake visits to the sites, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponents, and

verify the factual position.

WHEREAS, the Joint committee visited your site and submitted a report to the Hon`ble NGT on 13.12.2022; and the same is communicated to you.

WHEREAS, vide ref. 6th cited, the Hon`ble NGT issued order on 19.12.2022 in O.A No. 571 of 2022 and the operative part of the order is as follows:

“In view of the averments in the application and observations in the report of the Joint Committee, we consider it appropriate to have response of (1) State of Andhra Pradesh through Chief Secretary, Government of Andhra Pradesh, (2) the Secretary, Ministry of Environment, Forest and Climate Change, Government of India, (3) the Secretary, Ministry of Ports, Shipping and Waterways, Government of India, (4) APSPCB, (5) the District Magistrate, Visakhapatnam, (5) the Project Proponent- M/s Visakhapatnam Port Trust, and (6) the Project Proponent - M/s Gangavaram Port Ltd., who stand impleaded as respondents No. 1 to 6. The Registry is directed to prepare and attach memo of parties to the application. Respondent no. 4 has already appeared before this Tribunal through counsel. Notices be issued to respondents No.1,2,3,5 and 6.

WHEREAS, the notice was served to you as per the directions of the Hon`ble NGT .

WHEREAS, the Joint Committee observed the following non- compliance's of conditions stipulated in the Consents granted by APPCB to your port :

- a. The Gangavaram Port Limited (GPL) shall not stock the materials more than 12 mts height where MDSS system available and shall maintain stack height of 10 meters at manual stack yards.
- b. The Gangavaram Port Limited (GPL) shall maintain fully mechanized handling equipments for loading and unloading operations for dusty cargo to the maximum extent possible.

WHEREAS, the Joint committee also made the following recommendations for control of air pollution:

- a. The Ports shall implement semi-automatic coverage system of Tarpaulin in dusty cargo Transporting trucks/wagons.
- b. The Ports shall ensure 50% of coverage of Tarpaulin all sides of dusty cargo Transporting trucks/wagons, including rainy season to avoid the spillages.
- c. The Ports shall ensure covering of dusty cargo carrying trucks/wagons with tarpaulins tightened at all sides with ropes and shall avoid overload of dusty cargo material.
- d. The Ports shall provide separate web cameras at Tarpaulin sheet covering of trucks/wagon area, weighbridge, truck-tyre washing area, entrance & exit gate of the ports and shall maintain one month recorded data to

- produce at the request of the officer of the concerned authorities during their inspection.
- e. The Ports shall maintain coal stocking heights as per the APPCB consent conditions.
 - f. The ports shall maintain Standard Operating Procedure for transportation of cargos through trucks/railway wagons for Tarpaulin covering of loaded trucks, security check before exit.
 - g. The ports shall ensure vehicles fitness certificate issued by the competent authority for incoming trucks and outgoing (loaded) trucks.
 - h. The ports dusty cargo transport trucks shall display sticker showing valid vehicle fitness certificate and pollution certificate in front side of the vehicles.
 - i. The Traffic Department shall exhibit No parking Zones along the both sides of road between ROB (Road over Bridge) near Gangavaram Port to National Highway via Y-Junction & Jug junction.
 - j. The ports shall constitute a separate task force teams to verify the dusty cargo vehicle movement to monitor proper covering of Trucks/wagons with tarpaulin, spillage of materials and overloaded Trucks.
 - k. The ports shall carryout regular wetting of the internal roads and shall remove the sludge accumulated in drains time to time to avoid contamination of surrounding water bodies.
 - l. The ports shall upgrade existing truck tyre washing system to two stage automatic truck-tyre washing system to control dust emissions.

WHEREAS, it was noted from the above observations that you are not complying with the CFO conditions, despite of ample opportunity and time available to rectify the non-compliance's.

In view of the above, you are hereby directed to Show Cause as to why action shall not be initiated against your facility for non-compliance's of Board consent conditions and Environmental Compensation levied in the interest of safeguarding public health and environment. Your reply to the above non-compliance's and response to the recommendations of the Joint Committee constituted by the Hon'ble NGT in O.A No. 571 of 2022 (report enclosed) **within 15 days** from date of issue of this notice.

Should you fail to furnish your reply within the time stipulated, the Board will be constrained to initiate further action against your facility under Section 33(A) of the Water (Prevention & Control of Pollution) Amendment Act, 1988 and under Section 31(A) of the Air (Prevention & Control of Pollution) Amendment Act, 1987, without further notice.

Pravin Kumar Ias
MEMBER SECRETARY

To
The Occupier,
M/s. Gangavaram Port
Gangavaram Village,
Pedagantyada Mandal,

Visakhapatnam.

Copy to:

1. The Joint Chief Environmental Engineer, Zonal Office, Visakhapatnam for information and necessary action.
2. The Environmental Engineer, Regional Office, Visakhapatnam for information and necessary action.

Hon'ble NGT Matter - Urgent

Lr. No.NGT-571/APPCB/RO-VSP/2023, Date:13.02.2023

From
District Collector,
Visakhapatnam

To

1. The Commissioner, Greater Visakhapatnam Municipal Corporation, Visakhapatnam.
2. The Superintending Engineer, Road & Building department, Visakhapatnam.
3. The Project Director, National Highway Authority of India (NHAI), Visakhapatnam.
4. The Deputy Transport Commissioner, O/o DTC, Transport Department, Visakhapatnam.
5. The Deputy Commissioner of Police, Traffic Department, Visakhapatnam.
6. The Zonal Manager, APIIC, Pedagantyada, Visakhapatnam.

Sub.: Pollution due to activities of M/s. Visakhapatnam Port Trust and M/s. Gangavaram Port Limited - Hon'ble NGT order dated.19.12.2022 in O.A. No. 571 of 2022 - Report of Joint Committee dated 13.12.2022 - Recommendations of Joint Committee - Implementation - Reg.,

Ref.: 1. Hon'ble NGT order dated.19.12.2022 in O.A. No. 571 of 2022.
2. Lr. No. (M)Rc.No.1708/2022/MagIc4, dated 22.01.2023 of Collector & District Magistrate, Visakhapatnam.

It is to submit that the Hon'ble NGT issued order on 19.12.2022 in O.A No. 571 of 2022 and the report is submitted below:

Sri. Lakshmana Guntreddi, Visakhapatnam filed an application before Hon'ble NGT complaining that residents of Visakhapatnam are suffering from air and water pollution due to improper transportation of materials by M/s. Visakhapatnam Port Trust and M/s. Gangavaram Port Limited. Railway wagons and road transports are also not following proper procedure like covering of transported materials and are transporting the materials in over loaded vehicles. Due to naturally occurring radioactive source, residents are inhaling unwanted materials generated from coal, iron etc. and are getting high fevers but the hospitals are making business in the name of dengue. The applicant has accordingly requested for deputing special team for cross checking the transportation of materials in both the ports.

The Hon'ble NGT took cognizance of the complaint and heard the matter on 07.09.2022 and constituted a joint committee to undertake visits to the sites, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponents, and verify the factual position.

Accordingly, Joint Committee with the following members was constituted:

- i. Dr. T. Byragi Reddy, Professor, Department of Environmental Sciences, Andhra University, Visakhapatnam - Nominated by Coastal Zone Management Authority (CZMA), Andhra Pradesh.
- ii. Sri D. Hussain Sahib, Revenue Divisional Officer (RDO), Visakhapatnam - Nominated by the Collector & District Magistrate, Visakhapatnam.
- iii. Sri P. Babaji, Asst. General Manager, EPC, Nuclear Fuel Complex, Hyderabad - a representative from Nuclear Fuel Complex, Hyderabad.
- iv. Sri T. Sudarsanam, Environmental Engineer, Andhra Pradesh Pollution Control Board, Visakhapatnam - a representative from State Andhra Pradesh Pollution Control Board.

The Joint Committee submitted report to Hon'ble NGT on 13.12.2022 with certain observations and recommendations.

In view of the above, the concerned departments are directed to implement the recommendations of the Joint Committee as mentioned below:

- a) The GVMC shall ensure regular cleaning of road between ROB (Road over Bridge) near Gangavaram Port to National Highway via Y-Junction & Jug junction to avoid fugitive dust emissions.

(Action by GVMC)

- b) The Road & Building Department shall repair the road between ROB (Road over Bridge) near Gangavaram Port to National Highway via Y-Junction & Jug junction time to time to control fugitive dust emissions and accidents.

(Action by R & B)

- c) The National Highway Authority shall ensure cleanliness of port connectivity road from Convent Junction to Sheela Nagar (Ayyappa Swamy Temple) to avoid fugitive dust emissions.

(Action by NHAI)

- d) The Traffic Police as well as Transport Department shall file the cases against overloaded vehicles and shall submit the cases filed & penalties imposed against vehicles pertaining to M/s. VPT & M/s. GPL to APPCB from time to time.

(Action by Transport department & Traffic department)

- e) The District authority shall constitute Environment monitoring committees with the Environment expert from University, APPCB, Transport, GVMC, National Highway Authorities, Railway Departments and R&B to review the status of environmental issues once in six months and shall submit the progress reports to District Collector for review and necessary action.

(Action by RDO)

- f) The Traffic Department shall exhibit No parking Zones along the both sides of road between ROB (Road over Bridge) near Gangavaram Port to National Highway via Y-Junction & Jug junction.

(Action by Traffic department)

- g) Industrial Area Local Authority (IALA), APIIC shall provide dedicated parking facilities to avoid traffic congestion for IDA, Pedagantyada.

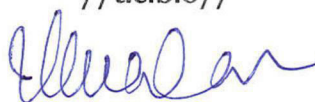
(Action by IALA, Pedagantyada)

- h) The Greater Visakhapatnam Municipal Corporation (GVMC) shall provide dedicated parking facilities to other private and public transport vehicles to avoid traffic congestion on road between ROB (Road over Bridge) near Gangavaram Port to National Highway via Y-Junction & Jug junction.

(Action by GVMC)

**Yours faithfully,
Sd/-
Collector & District Magistrate,
Visakhapatnam**

//t.c.b.o//



**Environmental Engineer
APPCB, Regional Office,
Visakhapatnam**

Copy submitted to the Joint Chief Environmental Engineer, APPCB, Zonal Office, Visakhapatnam for favour of information.

Copy submitted to the Revenue Divisional Officer, Visakhapatnam for favour of information.

Copy submitted to the Superintendent, C- Section, Collector Office, Visakhapatnam for favour of information.