

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 681/2018

IN THE MATTER OF:-

News item published in "The Times of India" Authored by Shri Vishwa Mohan titled "NCAP with multiple timelines to clean air in 102 cities to be released around August 15"

NEXT DATE OF HEARING;-18-02-2021

COMPLIANCE REPORT FOR AND BY CENTRAL POLLUTION CONTROL BOARD (CPCB) IN COMPLIANCE OF THE ORDER DATED 06-08-2019

Sir,

1. That the above noted case is pending before the Hon'ble Tribunal and the same is fixed for 18-02-2021.
2. That the matter was also heard on 06-08-2019 and the Hon'ble Tribunal pleased to pass the following order. The relevant para of the order is as under:-

XXXXXXXXXX

PARA NO. 20:

"We note that the air pollution caused by DG Sets needs to be part of the action plans which may, if necessary, require retrofitting of emission-control devices on generators already

in use. CPCB may consider this aspect. The NCAP itself provides following action points:

- 1. Introduction of gaseous fuels and enforcement of new and stringent SO₂- NO_x /PM_{2.5} standards for industries using solid fuels.*
- 2. Stricter enforcement of standards in large industries through continuous monitoring.*
- 3. Full enforcement of zig-zag brick technology in brick kilns.*
- 4. Elimination of DG set usage by provision of 24x7 electricity.*
- 5. Control by innovative end of pipe control technologies.*
- 6. Evolve standards and norms for in-use DG sets below 800 KW category.*
- 7. For DG Sets already operational, ensure usage of either of the two options: (a) use of retrofitted emission control equipment having a minimum specified PM capturing efficiency of at least 70%, type approved by one of the 5 CPCB recognized labs; or (b) shifting to gas-based generators by employing new gas-based generators or retrofitting the existing DG sets for partial gas usage.*
- 8. Utilize the Gujarat case study for a compelling case for other states to adopt third-party audits for polluting industries for enhancing implementation (States)."*

Thus, DG Sets should also be covered by the action plans for all the States/UTs".

XXXXXXXXXX

3. That the CPCB has compiled the information and the present status on the issues raised in para 20 of the order dated 06-08-2019. The status as on date is as under:-

- a)* There is no standard for use Generator set.
- b)* There is no System and Procedure to test Retrofitting Equipments and issue Type Approval Certificate.
- c)* No Certified retrofitting equipment available in market.
- d)* CPCB is continuously receiving requests for solution to this issue

4. That after the order dated 06-08-2019 the CPCB has received comments/Reaction from SPCBs. The same are as under:-

- a.* Some of the State Boards namely TNPCB, UPPCB, Maharashtra PCB, Haryana PCB, Tripura SPCB, Arunachal Pradesh PCB have issued direction to implement the said order in the State under their jurisdiction. Being member of the subcommittee, considering implementation difficulty, TN SPCB has extended the implementation date by 4 months after 11.10.20.
- b.* Some States directed to implement it with immediate effect and some other states with different time frame.

- c. Different SPCBs have issued order to implement in different power ranges ie. more than 125KVA, 500KVA etc.

5. That after receiving the comments/reaction from SPCBs, the CPCB has taken the following steps:-

- a. CPCB has constituted a subcommittee under main Standing Committee headed by IOC (R&D), Faridabad and members IIP, ARAI, ICAT, CPCB, IDEMA, ECMA and MSs of SPCBs of Tamil Nadu, Uttar Pradesh and Maharashtra to look after the issue returnable within 3 months vide letter dated _____. The copy of the letter dated _____ is annexed herewith as **ANNEXURE-A**.
- d. A draft document on “**System & Procedure for Testing of Retro-fit Emission Control Devices (RECD) for DG Set Engines (Up to Gross Mechanical Power 800 kW)** “has been prepared jointly by ARAI & CPCB, which is under consideration by the Subcommittee.

6. That the committee has proposed Modalities in which the said order dated 06-08-2019 can be implemented. The proposed modalities are as under:-

- a. Gensets manufactured before 1.1.2005 (Originally not certified) be scrapped.
 - b. In phase I, Gensets manufactured and sold / complying GSR 371(e); dated 17.05.2002 and its amendments be retrofitted after availability of certified retrofitting equipment (Activity to start tentatively within one month) from _____.
 - c. In phase II, Gensets manufactured and sold till date/ complying GSR 771(E), dated 11.12.13 and its amendments, shall be considered for retro-fitment after the date of notification of proposed new emission norms for Genset engines, which is under consideration of MoEF&CC.
 - d. CPCB guidelines regarding useful life of Genset shall be followed.
 - e. All these issues have been deliberated in subcommittee mentioned above on dated 18.09.20 and 21.10.20.
7. That the above efforts have been made by the CPCB to achieve the objectives of the order dated 06-08-2019 and to implement the same in letter and spirit.
8. That the points mentioned herein above are still consideration and in progress, therefore, a reasonable time is needed to be framed the document as explained herein above.

9. That since some of the state boards have already issued the direction for implementation of para 20 of the order dated 06-08-2019, but due to the reasons as narrated herein above, the para 20 of order dated 06-08-2019 could not be implemented as on date.
10. That the reasons as stated herein above are bonafide.
11. That the CPCB undertakes to implement the order as early as possible whenever the issues raised herein resolve and committee will submit its report.

PRAYER

In view of the above submissions it is humbly prayed that necessary direction/order may be passed in furtherance of order dated 06-08-2019 by considering the issues/reasons raised herein above for necessary compliance, in the interest of justice.

(N K. Gupta)

Scientist 'E'

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Place: Delhi

Date: