

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

Principal Bench, New Delhi

Original Application No. 192/2020

Say Earth

Applicant

Vs.

Union of India & Ors.

Respondent(s)

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(Nazimuddin)

Scientist-E

Central Pollution Control Board
Parivesh Bhawan, East Arjun Nagar,
Delhi- 110032

Date: 05.08.2021

Place: Delhi

Report of CPCB
(in compliance of order dated 10.06.2021 of Hon'ble NGT-PB
in OA 192 of 2020 Say Earth Vs Union of India)

1. Central Government Notifications

Central Government issued an amendment notification dated 19.09.1997 under the Environment (Protection) Rules 1986 to stipulate through sub-rule (8) under rule 3 to make the use 'Use' of coal having ash content not exceeding 34% mandatory in thermal power plants located at more than 1000 km away from the pit-head and those situated in urban and environmentally sensitive locations.

Central Government amended the above stipulation by amendment Notification No. G.S.R. 02(E) dated 02.01.2014 (effective from June, 2016) under the Environment (Protection) Rules 1986 to stipulate through substituted sub-rule (8) under rule 3 to make the 'Supply' and 'Use' of 'raw or blended or beneficiated coal' with ash content not exceeding thirty-four per cent, on quarterly average basis, mandatory in standalone thermal power plants (of any capacity) and captive thermal power plants of installed capacity 100 MW or above, with effect from by prescribed dates, as below:

- located beyond 1000 km from the pit head, or in an urban or ecologically sensitive area or critically polluted industrial area, irrespective of its distance from the pit-head, except a pit head power plant: with immediate effect
- located between 750-1000 km from the pit head: with effect from 1st January, 2015
- located between 500-749 km from the pit head: with effect from 5th June, 2016

Based on a number of demerits of the above stipulation pointed out by various Central Government agencies- MoP, MoC and NITI Aayog, Central Government has further amended the above stipulation by amendment Notification No. S.O.1561(E) dated 21.05.2020, thereby permitting use of coal by power plants without any location based coal-ash content stipulations, subject to certain conditions, including compliance of prescribed PM emission standards and fly ash utilisation notification. The noted/observed demerits of the earlier notifications are mentioned in the latest amendment notification.

The latest amendment notification also prescribed for utilisation of the middlings & rejects of the coal washeries only in FBC boiler based plants, and for proper ash management and optimising water consumption in ash handling by power plants.

2. Order dated 10.06.2021 in O.A. 192/2020

Hon'ble National Green Tribunal, Principal Bench, New Delhi vide order dated 10.06.2021 has directed for filing of responses of concerned ministries of Central Government ministries (MoEF&CC, MoP, MoC, MoM) on the application- O.A. 192/2020 fled against the latest amendment notification dated 21.05.2020, and for filing of further response of Central Pollution Control Board about impact of the amendment notification on the environment.

3. Relevant Observations

i) Break-up of power plants in respect of provisions in the earlier notification

Based on the feedback received earlier from 136 plants it is observed that 74 plants were required to use coal with ash content <34% as per earlier notification, The total requirement of coal with ash content <34% for these power plants was about 260 MTA, at 60% PLF. Whereas, total requirement of coal for power plants not covered under the earlier notification was about 172 MTA, at 60% PLF (for pit-head power plants- 131 MTA, and for power plants between pit-head to 500 km- 41MTA)

ii) Availability of raw coal with ash content <34%

Based on the discussions with coal companies it is observed that about 40% of total coal production from coal mines is already having ash content <34% and doesn't require washing, and further 15% of total coal may be brought under <34% ash content coal by dry de-shelling process at coal mines itself.

Further, according to the views expressed by experts, even in the mines where coal washing is implemented, generally the process involves separation of about 60% better quality coal physically and subjecting the remaining 40% poor quality coal to washing.

There are 34 coal washeries operating in both PSUs (19.72 MTY) and private sector (87.68 MTY) in the country. Total installed capacity of non-coking coal washeries in the country is around 107.4 MTA as on 31.03.2018 (Energy Statistics, 2019, CSO, MoS&PI, GOI, New Delhi).

iii) Import of coal by power plants

Approx. 50 MMT coal is imported annually by TPPs in India.

iv) General arguments of advocators of coal washing

- Lower transportation cost
- Better thermal efficiency

- Low ash generation

- Better performance of ECS

v) Counter arguments / feedbacks from Government agencies

- Increase in power generation cost (0.24 Rs. to 0.35 Rs.). Benefits are belittled by higher price

- Ash utilization is much better in power plants near ash consumption centers. Whereas, the power plants located in clusters near pithead and have comparatively lesser avenues for ash utilization around such areas

- Power plants equipped with efficient APCDs for control of PM emission are performing well with coal having more than 34% ash content.

- Washing of coal leads to generation of approx. 10-20% coal reject (on reduction of ash content in raw coal from 40% to 34%). Washery rejects are generally used in industries not having efficient ECS, thereby cause more pollution

- Dry de-shelling of coal leads to approx. 3-4% coal reject as compared to 10-20% coal reject generated from coal washing process. De-shelling of coal leads to 10-15% reduction in ash content which is marginally less than washing process. Further, dry de-shelling of coal may be done at coal mines itself, instead of washing of coal at washeries which are installed away from coal mines.
- Utilization/disposal of coal rejects from de-shelling process at coal mines may be better regulated. Coal mining, transportation of coal and utilization/disposal of coal rejects is the sole responsibility of coal mining company.
- Additional transportation of coal through road for washing purpose further leads to generation of dust due to vehicle movement and coal spillages throughout the way, causing pollution as well as deteriorating the quality of roads due to passage of heavy vehicles in large numbers.

4. Conclusion

- i) Emission from power plants is governed by the prescribed emission standards, compliance of which is mandatory in any case. This has been re-iterated as condition in the amendment notification dated 21.05.2020
- ii) Utilization of ash of power plants is governed by the fly ash notifications issued by Central Government under E.P. Act, 1986. This has been re-iterated as condition in the amendment notification dated 21.05.2020.
- iii) Sufficient quantity of better quality raw coal is already available in India to meet any specific requirement of lower ash coal by some plants either due to boiler design or process requirement, and significant coal washing capacity is also available in addition.
- iv) In view of the above, it is concluded that there are no negative environmental impact of the amendment notification in question.

5. Recommendations

- i) Coal companies may explore the possibilities of increasing the availability of better quality raw coal in the country by implementing suitable de-shelling/segregation techniques in coal mines.
- ii) If any new coal washery is to be established for coal or coking coal due to market demand then it should be established only within the mining site to minimize the environmental impacts of the multiple transportation.

Item No. 07

(Court No.1)

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

(By Video Conferencing)

Original Application No. 192/2020

Say Earth

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 10.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Ritin Rai, Senior Advocate with Mr. Abhinav Shrivastava, Advocate

Respondent: Mr. Atif Suhrawardy, Advocate for CPCB

ORDER

1. Grievance in this application is against Notification dated 21.05.2020 issued by the MoEF&CC under the Environment (Protection) Act, 1986, permitting the use of coal with ash content higher than permitted earlier, to the detriment of environment.

2. The matter was last considered on 08.09.2020 and after noting the issue, the MoEF&CC, Ministries of Mines, Power and Coal and CPCB were required to file a response. Sets of papers were directed to serve on the said parties and copy of the order was also forwarded to the said parties by e-mail. The applicant filed an Affidavit of service dated 15.09.2020. The CPCB has filed its response to the effect that policy being within the purview of the Ministries, it had nothing to say in the matter.

3. No response has been filed by the MoEF&CC and Ministries of Mines, Power and Coal even after 9 months. We give one more opportunity and direct that necessary response may be filed within one month failing which concerned joint Secretaries of MoEF&CC and Ministries of Mines, Power and Coal may remain present in person by video conferring to show cause as to why adverse action be not taken for their failure, in accordance with law. The response may file by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. This may also be ensured by the Secretaries of MoEF&CC and Ministries of Mines, Power and Coal. CPCB may file further response about impact of the impugned policy on the environment.

List for further consideration on 18.08.2021.

A copy of this order be forwarded to the Secretaries of MoEF&CC, Ministries of Mines, Power and Coal by e-mail and speed post to facilitate the compliance of the above order.

The applicant may also inform the said parties separately.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 10, 2021
Original Application No. 192/2020
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