

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

EXECUTION APPLICATION NO. 4 of 2020

In

ORIGINAL APPLICATION NO. 356 of 2013

IN THE MATTER OF:

S.K.GOYAL

..... APPLICANT

Vs.

CHAIRPERSON, CPCB & ORS.

..... RESPONDENTS

**AFFIDAVIT-CUM-STATUS REPORT ON BEHALF OF MINISTRY OF
ENVIRONMENT, FOREST & CLIMATE CHANGE**

1. That the present application pertains to Development of emission standards for diesel locomotives.
2. That the Hon'ble Tribunal vide its order dated 11.08.2020 directed MoEF&CC as follows:

“ Let the MoEF&CC, CPCB and the Ministry of Railways take prompt action to finalize the standards positively within three months and furnish a compliance report before the next date by e-mail at judicial-ng@gov.in. The MoEF&CC will be the nodal agency for coordination and compliance. The Secretary, MoEF&CC may nominate a Joint Secretary for the purpose so that accountability can be fixed to avoid any further delay.”

3

3. That in compliance of Hon'ble Tribunal order dated 11.08.2020. The Ministry vide its letter dated 19.08.2020 has intimated CPCB and MoR about the order for further necessary actions.
4. That a draft standard was submitted by CPCB on 2nd June 2020. The document was examined and placed before Expert Committee Meeting on 09.12.2020. The Minutes of Meeting is **annexed as Annexure-I.**

The meeting was attended by representatives from Railway and experts helping CPCB in formulation of standard for DG Locomotives. The Railway's team was lead by Exe. Director (EE-RS) Sri. Kishore Kumar and Dr. A. K. Agarwal, Professor, IIT-Kanpur was the expert invited by CPCB, who is helping in formulation of the emission standard.

The decision made in the committee is as below: 3.5 Agenda B (i):
Environmental Standard for Diesel Locomotives:

“ The ECSF recommended that CPCB should organize a meeting with all stakeholders after sharing all documents/reports with railways and members of this Committee. The proposal shall be work out in consultation with Railways with clarity on the implementing agency, monitoring protocol, and reporting mechanism on compliance etc. ”



5. Further, it is submitted that this Ministry will submit a compliance-cum-status report of the progress made regularly.

Therefore, in view of the above, it is humbly prayed that in order to delineate the appropriate provision for effective compliance of the Hon'ble NGT's order 6 months is required which includes 4 months for wide circulation of draft notification for inviting comments and 2 month for incorporation of comments, finalization of notification and obtaining approval from Ministry of Law and Justice .The Hon'ble Tribunal may kindly grant 6 months to carry out the above-mentioned tasks.

(नरेश पाल गंगवार)
(NARESH PAL GANGWAR)
संयुक्त सचिव/Joint Secretary
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
M/o Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
(CP Division)

Indira Paryavaran Bhawan
Level -II, Prithvi Wing, Jorbagh Road
New Delhi-110003

Dated: 4th January, 2021

Subject: Minutes of the First Expert Committee Meeting to Environmental Standards (through Video Conference) on 09th December, 2020 -reg.

Sir,

I am directed to forward herewith a copy of minutes of the First Expert Committee Meeting to Environmental Standards (through Video Conference) was held on 09/12/2020 at 11.00 AM under the Chairmanship of Shri Jigmet Takpa, Joint Secretary, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi for perusal and necessary action.

Yours faithfully,

Encl: As above

W.K. Kushwaha
4/01/2021
(V.K. Kushwaha)
Section Officer (CPW)

To,

1. Shri Navdeep Rinwa, Joint Secretary, Ministry of Chemical and Fertilizers, Department of Pharmaceuticals Shastri Bhawan, New Delhi-110001-Special Invitee in respect of agenda item no. A (ii).
2. Shri Subodh Yadav, Joint Secretary, Ministry of Jal Shakti, Department of Water Resources, River Development & Ganga Rejuvenation, Shram Shakti Bhawan, Rafi Marg, New Delhi -110001-Special Invitee in respect of agenda item no. A (iv).
3. Prof. (Dr.) S. K. Nayak, Director General – CIPET, CIPET Head Office, T.V.K. Industrial Estate, Guindy, Chennai - 600 032-Special Invitee in respect of agenda item no. A (v).
4. Dr. S.R. Marigoudar, Scientist 'D', National Centre for Coastal Research (NCCR), Ministry of Earth Sciences, NIOT Campus, Pallikaranai, Chennai-600100- Special Invitee in respect of agenda item no. A (i).
5. Shri Manish Jain, Executive Director, Mechanical Engineer (Traction), Ministry of Railways, New Delhi-110001-Special Invitee in respect of agenda item no. A (iii).

All Members of Expert Committee
(As per list enclosed)
AD (RJ)
JD (Ak)

Copy to:

1. PPS to JS (JT)/PPS to JS(NPG)
2. PS to Director (CP/W)

o/c
Issued
05/01/2021

the Expert Committee for Environment Standards in its 19th meeting held on 20th May 2020. The Committee suggested certain modifications and it was decided that the draft may be modified in consultation with BIS and thereafter submit before the Expert Committee in the next meeting for its final consideration.

Thereafter, in the month of September 2020, a presentation was made before the Secretary (EFCC) on draft rules, wherein Secretary (EFCC) directed to cross-check the cost implications for replacing the use of lead with Ca-Zn (Calcium zinc)/Tin in manufacturing and preparedness of the industries/stakeholders for better compliance of the rules. Secretary (EFCC) also suggested for regulating the sale within the country, except export. Subsequently views of CIPET, CPCB, members of AIPMA and other manufacturers were taken.

Further, a meeting was also organized with concerned stakeholders on 5th November 2020 under the chairmanship of the Joint Secretary, CPW Division, MoEFCC to discuss about the percentage increase in the cost for replacing lead stabilizer with other non-toxic material in PVC pipes and fittings. The meeting was attended by the representatives of AIPMA, CIPET, Ministry of Housing and Urban Affairs, BIS, CPCB, and some other manufacturers. In the meeting, it was agreed that for technological and other associated changes and its compliance, at least one-year time is needed.

After detailed deliberations, the Committee recommended the notification, subject to verification by BIS on referred codes in the notification.

The committee highlighted that the published notification shall be shared with the line ministries (users) for incorporating in the required specification of the materials in their schemes/projects/programs.

The notification was recommended by the committee for publication under Environment (Protection) Rules, 1986.

(Action: MoEFCC)

3.5 Agenda B (i): Environmental Standard for Diesel Locomotives

The background of environmental standard for Diesel Locomotives was presented by CPCB before the Expert Committee meeting held on 09.08.2019. The CPCB informed that as suggested by Experts Committee in its 17th meeting held on 26.04.2019, the senior officials from Railways had met Chairman CPCB in July 2019 and informed that the RITES Report shall be submitted in September 2019. The Report was to be submitted in June 2019. CPCB further informed that Railways had been asked to incorporate the financial and technical requirement for the proposed emission standards proposed for Diesel Locomotives as well the detailed phase-out plan for Diesel Locomotives as informed by the Railways. After detailed discussions, the Chair directed the Railways to submit the complete report as per CPCB requirements to CPCB at the earliest. The CPCB may also pursue the same with Ministry of Railway.

The proposal was placed in the present meeting and CPCB made a presentation. Further, representative of Railways mentioned the railways is proposing to phase-out 2695 out of 5780 loco engines by the year 2026. Railway reiterated its stand that it consumes only 4% of the total Diesel consumption, Life of Diesel Loco engines is around 36 years and hence no Loco standard for Diesel Loco engines are required considering phase-out plan. It was also discussed that existing Diesel Loco engines need to be retrofitted to comply the proposed one stage below emission norms. During the discussions it also noted that total phase-out of Diesel Locomotives is not possible due to land diversity and emergency issues.

The committee recommended that CPCB should organize a meeting with all stakeholders after sharing all documents/reports with railways and members of this Committee. The proposal shall be work out in consultation with Railways with clarity on the implementing agency, monitoring protocol, and reporting mechanism on compliance etc.

(Action: CPCB & Railways)

3.6 Agenda B (ii): Environmental Standard for emission norms for Genset engines

Emission norms for Petrol/Kerosene, Diesel and dedicated Gas based and dual/ bi fuel Genset engines were revised/ developed vide GSR 353(E) ; dated 07.08.2013 for Kerosene and Petrol, GSR 771(E) ; dated 11.12.13 for Diesel and GSR 281(E) ; dated 07.03.2016 for dedicated Gas based and dual/ bi fuel Genset engines. Considering availability of better fuel quality, advancement in technology and present achievability of more stringent norms by different manufacturer, it was proposed by CPCB to revise the present emission norms of Genset engines.

The present emission standards are as follows:

Power Category	Emission Limits (g/kW-hr)			Smoke Limit (m ⁻¹)
	NOx+HC	CO	PM	
Upto 19 kW	≤ 7.5	≤ 3.5	≤ 0.3	≤ 0.7
19 to 75 kW	≤ 4.7	≤ 3.5	≤ 0.3	≤ 0.7
More than 75 to 800 kW	≤ 4.0	≤ 3.5	≤ 0.2	≤ 0.7

The proposed emission norms are as follows:

Power Category	HC** NOx	NOx	HC *	CO	PM	Smoke m ⁻¹
	g/kW-h					
≤ 8 kW	≤ 7.5	NA	NA	≤ 3.5	≤ 0.3	≤ 0.7