

SPEED POST

B-33014/07/IPC-II/TPP/2018/

July 30, 2018

To

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The General Manager/Plant Head
M/s Aurobindo Agro Energy Pvt. Ltd
Viragadi Kadambangulam Village
Sivaganga - 630 551, Tamilnadu

Sub: Directions under Section 5 of the Environment (Protection) Act, 1986 regarding installation of on-line effluent and emission monitoring system- Closure thereof.

WHEREAS, the thermal power plants are identified as one of the 17 categories of highly polluting industries in the country and have been discharging environmental pollutants directly or indirectly into the ambient air and water, which pose constant threat to cause adverse effect on the air and water quality; and

WHEREAS, for strengthening the monitoring and compliance through self-regulatory mechanism, online emission and effluent monitoring systems need to be installed and operated by the developers and the industries on 'polluter pays principle'; and

WHEREAS, directions under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 were issued on February 05, 2014 to all the State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) for installation of online emission monitoring systems w.r.t PM, SO₂ & NO_x parameters & online effluent monitoring system for pH, TSS, & Temperature parameters in thermal power plants; and

WHEREAS, it is presumed that concerned SPCB/PCC has also in-turn issued direction under section 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 and section 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 to M/s Aurobindo Agro Energy Pvt. Ltd to install the online effluent and emission monitoring system; and

WHEREAS, under section 5 of the Environment (Protection) Act, 1986 a notice was served on July 21, 2015 to show cause as to why the plant should not be closed down, if the plant has not complied fully with directions issued w.r.t installation of on-line effluent and emission monitoring system by June 30, 2015, and the plant was further directed to install online continuous emission & effluent monitoring systems (OCEMS) for parameters namely PM, SO₂, NO_x & pH, TSS, Temperature, flow and submit the status; and

WHEREAS, in order to hear the problems being faced in complying the above directions a meeting was has held on 19.04.2017 with the representatives of 45 non-complying Thermal Power Plants under chairmanship of the Chairman, CPCB at CPCB, Delhi. As the justification given by the Plant representatives were not enough to explain the cause of non-compliance of show cause notice, prosecution was launched at National Green Tribunal, Principle Bench, New Delhi against 45 non-complying Thermal Power Plants.

WHEREAS, Hon'ble NGT, Principal Bench, New Delhi in OA No. 409/2017 passed an order dated 24.10.2017 stating that "Central Pollution Control Board and all the State Pollution Control Boards to act in accordance with law. Law provides enough powers including

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power to direct closure and ensure closing of the defaulting industries. Concerned State Administration shall provide all assistance to the Boards for ensuring execution of their orders".

WHEREAS, M/s Aurobindo Agro Energy Pvt. Ltd has so far not complied fully with the show cause notice cum directions issued by CPCB on July 21, 2015. The OCEMS is not installed / connected for the Power Plant.

WHEREAS, Ministry of Environment & Forests, Government of India, vide Notifications No. S. O. 157 (E) of 27.02.1996 and S. O. 730 (E) dated 10.07.2002, has delegated the powers vested under Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board, to issue directions to any industry or any local body or any other authority for violations of the standards and rules notified under the Environment (Protection) Rules, 1986 and amendment thereof.

NOW, THEREFORE, in exercise of powers vested under Section 5 of the Environment (Protection) Act, 1986, M/s Aurobindo Agro Energy Pvt. Ltd is hereby directed not to operate the Power Plant without installation of complete online continuous emission & effluent monitoring systems (OCEMS) and providing connectivity to CPCB server.

for
06/08/18
(SPS Parihar)
Chairman

Copy to:

1. The Chairman
Tamil Nadu Pollution Control Board
76, Anna Salai, Guindy Industrial Estate,
Race View Colony, Guindy,
Chennai - 600 032, Tamil Nadu
2. The Additional Secretary (CP Division)
Ministry of Environment, Forests and Climate Change
Prithvi Wing, 2nd Floor, Room No. 216
Indira Paryavaran Bhawan, Aliganj,
Jor Bagh Road, New Delhi - 110 003
3. The Regional Director
Central Pollution Control Board
1st & 2nd Floors, Nisarga Bhawan, A-Block,
Thimmaiah Main Road, 7th D Cross,
Shivanagar, Bengaluru -560 079
4. The District Magistrate,
Collectorate, Sivaganga - 630 562,
Tamilnadu

✓ 5. The Divisional Head- IT, CPCB

Prashant Gargava
(Prashant Gargava)
Member Secretary